THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental Conservation
DIVISION OF WATER
Director's Office
PO BOX 111800
Juneau, AK 99811
Main: 907.465-5307
fax: 907.465.5177

December 15, 2020

Charles R. Blumenfeld
Perkins Coie LLP
1201 Third Ave, Suite 4900
Seattle, WA 98101-3099

Re: Request for Informal Review of General Permit AKG528000

Dear Mr. Blumenfeld:

I have completed my evaluation of your October 20, 2020 request for informal review of the Division of Water (Division), Wastewater Discharge Authorization Program's decision to issue the subject permit. Previously I informed you of my decision to remand the decision back to program staff to address your concerns. The remand is complete, and I have made the following decisions based on your request and the remand outcome.

Regarding the effective date of the permit, the Division concurs there have been exceptional circumstances as the result of the COVID-19 global pandemic. The program will issue a minor modification to the permit and modify the effective date of the permit to June 1, 2021.

With respect to your concerns regarding the issued permit conditions addressing the treatment and discharge of catch transfer water, the Division will maintain its position with no modification of the permit on this topic. A detailed analysis is enclosed explaining the basis for our concern and our authority to regulate catch transfer water, but there are two reasons for our resolve on the issue. First, the process of loading fishing vessels with untreated seafood process water is the functional equivalent of discharging directly to the ocean. Second, an intermediary point source does not remove Clean Water Act jurisdiction for discharges that originate in one point source and pass through an intermediary point source before being discharged directly into waters of the United States.

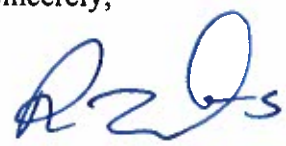
The Division did not find the terms of the permit ambiguous with respect to treatment and monitoring of catch transfer water. The permit does not require the addition of treatment for any process water returned to vessels beyond that which is already installed and in use. Section 2.6.1 of the permit acknowledges that one processor eligible for coverage under the subject permit currently has the capacity to treat catch transfer water and will continue to do so under the terms of the permit. Section 2.6.1.1 specifically exempts processors without existing treatment capability from treating catch transfer water. Additionally, the permit terms only require permittees to sample catch transfer water prior to discharge to the vessel. There is no expectation of treatment or sampling of catch transfer water that is in the recirculation process. The Division

is mainly concerned with collecting a representative sample of the process water returned to the vessel. This letter may serve as amplification of the permit terms with respect to these concerns.

Lastly, the Division agrees with your assertion the issued General Permit does not cover other discharges from vessels while secured to the seafood processing facility. The primary concern of the permit is seafood process wastewater. Vessel discharges would be of immediate concern if they create a nuisance condition or threaten fish, wildlife, or human health. If the Division were to become aware of such a vessel discharge condition while secured to the seafood processing facility, the vessel discharge would be deemed an unauthorized discharge. On a case-by-case basis the Division would need to determine if the unauthorized discharge is the direct result of the permitted activity of seafood processing or if it is unrelated to the specific activity. The permit will not be modified to address this assertion. The Division strongly encourages industry to take a proactive stance with vessels secured to their processing facility to eliminate or minimize discharges while secured to seafood processing facilities to reduce the potential for a nuisance condition until such time the vessel is no longer subject to the exclusion in 18 AAC 83.015(b)(1)(B)(ii). In response to this concern, the Division will add an addendum to the Response to Comments document which explains the Division will not pre-determine enforcement outcomes in permit documents.

Consistent with 18 AAC 15.185(d)(3)(A), I am advising you of the right to seek an adjudicatory hearing under 18 AAC 15.200 or Alaska Statute 44.62 not later than 30 days after this decision letter.

Sincerely,



Randy Bates
Director

Enclosures: Catch Transfer Analysis
Permit Modification
Revised Response to Comments

Catch Transfer Water Regulatory Authority Analysis

The Program maintains its position that water used to offload raw materials from vessels for the purpose of processing is categorically seafood process water, and any operator of a point source that conveys the water must obtain an APDES permit before discharging the wastewater to WOTUS. Onshore seafood processors that discharge process wastewater from a pipe and then through a vessel, therefore, must obtain an APDES permit for that discharge, for at least two similar yet independent reasons. First, the process of loading fishing vessels with untreated seafood process water is the functional equivalent of discharging directly into the ocean. It is absurd to assert that the returned seafood process water will never be discharged to WOTUS even though the vessel operates solely in and on WOTUS. Second, an intermediary point source does not remove Clean Water Act (CWA) jurisdiction for discharges that originate in one point source and passes through an intermediary point source before being discharged directly into WOTUS.

Discharging to a vessel is the functional equivalent of discharging directly to WOTUS

In the Supreme Court of the United States (SCOTUS) decision *County of Maui, Hawaii v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020), the concept of a functional equivalent of a direct discharge to WOTUS was articulated:

> We hold that the statute requires a permit when there is a direct discharge from a point source into navigable waters or when there is the *functional equivalent of a direct discharge*. We think this phrase best captures, in broad terms, those circumstances in which Congress intended to require a federal permit. That is, an addition falls within the statutory requirement that it be "from any point source" when a point source directly deposits pollutants into navigable waters, or when the discharge reaches the same result through roughly similar means.

Id. at 1476 (emphasis in original).

It is this concept of a functional equivalent of a direct discharge that prompted the Program to require sampling of the seafood process water prior to being discharged to vessels secured to the seafood processing facility. The data provided by the required monitoring will assist the Program in determining whether the nature of the pollutants poses a potential adverse impact to human health, aquatic life, or the environment. The Program intends to utilize the data collected during the term of the permit to assess the potential impacts, if any, and the legal authority to require sampling is supported by both regulation and the above SCOTUS ruling.

All point sources are subject to CWA jurisdiction

One key fact is that, eventually, all vessels that receive seafood process water from the onshore facilities discharge that water directly into the ocean. In other words, it is undisputed that a point source (the vessel) discharges the seafood process water directly to WOTUS. It is also undisputed that the vessels receive the seafood process water from a point source (a pipe) operated by the

onshore facility. That connection ultimately means the eventual discharge from the vessel to the ocean comes from the facility's pipe, and that the onshore facility is therefore subject to the CWA for that discharge.

The requestors argue, however, that their pipes discharge to a vessel, not a WOTUS, and so CWA jurisdiction does not attach to their pipes. But courts appear unanimous in rejecting that argument and concluding that, in a series of point sources leading to a direct discharge, all point sources in that series are subject to the CWA. The same *Maui* SCOTUS opinion quoted above provides a hypothetical that clearly illustrates this principle:

> Perhaps, as the two dissents suggest, the [CWA's definition of "discharge," which is "any addition" of a pollutant to navigable waters "from any point source"] could be narrowed to . . . refer only to the pollutant's immediate origin. But there is no linguistic basis here to so limit the statute in that way. Again, whether that is the correct reading turns on context. Justice THOMAS insists that in the case of a discharge through groundwater, the pollutants are added "from the groundwater." Indeed, but that does not mean they are not also "from the point source." When John comes to the hotel, John might have come from the train station, from Baltimore, from Europe, from any two of those three places, or from all three. A sign that asks all persons who arrive from Baltimore to speak to the desk clerk includes those who took a taxi from the train station. There is nothing unnatural about such a construction. As the plurality correctly noted in *Rapanos v. United States*, the statute here does not say "directly" from or "immediately" from. Indeed, the expansive language of the provision—*any* addition from *any* point source—strongly suggests its scope is not so limited.

County of Maui, Hawaii v. Hawaii Wildlife Fund, 140 S. Ct. 1462, 1475 (2020) (emphases in original) (internal citations omitted) (alterations added).

The requestors here make the same argument about vessels that Justice Thomas made about groundwater in *Maui*: an intermediary between a point source and the WOTUS cuts off CWA jurisdiction. The *Maui* court rejected Justice Thomas' argument, and the Program does the same with the requestor's argument.

It is immaterial that, here, the intermediary between the onshore facility's point source and the WOTUS is (1) another point source that is (2) operated as a mode of transportation by a third-party, rather than groundwater. Taking each piece of the argument in turn, even the federal circuit court that held (and was eventually overturned by *Maui* for being too restrictive) intermediary groundwater cuts off CWA liability for an upstream point source agreed that an intermediary point source would *not* cut off CWA liability for upstream point sources:

> [W]hen Justice Scalia pointed out [in his *Rapanos* opinion] the absence of the word "directly" from [33 U.S.C.] 1362(12)(A), he did so to explain that pollutants which travel through multiple point sources before discharging into navigable waters *are still covered by the CWA*. . . . Justice Scalia's reference to "conveyances"—the CWA's definition of a point source—reveals his true concern. He sought to make clear that *intermediary point sources do not break the chain of CWA liability*.

Kentucky Waterways All. v. Kentucky Utilities Co., 905 F.3d 925, 936 (6th Cir. 2018), *abrogated by Cty. of Maui*, 140 S. Ct. 1462. (Emphasis added.)

The CWA carries strict liability, and so whether the intermediary point source is controlled by an independent third party is irrelevant to whether CWA jurisdiction applies to the onshore facility's point source.[1] What matters is that the wastewater passes through the requestor's initial point source (*i.e.* the wastewater is "from" the point source) before entering WOTUS from the intermediary point source. The terms of an APDES permit and the amount of penalties associated with an unpermitted discharge may be attuned to the amount of control the operator of the original point source has over the ultimate discharge, but the CWA jurisdiction and liability for the original point source are absolute.[2] That is, "[t]he fact that [a person] may discharge through conveyances owned by another party does not remove [the person's] actions from the scope of [the CWA]."[3]

As a result, the requestors are subject to the CWA for any discharge of seafood process water from vessels after the requestors convey that wastewater to those vessels.

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[1] *Cty. of Maui*, 140 S. Ct. at 1489 ("The Clean Water Act imposes a regime of strict liability backed by criminal penalties and steep civil fines. Thus, the consequences to landowners even for inadvertent violations can be crushing.") (internal quotation marks and citations omitted).

[2] *See*, *e.g.*, *Hawaii's Thousand Friends v. City & Cty. of Honolulu*, 821 F. Supp. 1368, 1392 (D. Haw. 1993) ("Courts throughout the country have held that NPDES compliance is a matter of strict liability, and a defendant's intent and good faith are irrelevant to the liability issue. . . . The fact that a violator is 'without fault' in committing violations of the Clean Water Act does not absolve the violator from penalties, although it may mitigate the amount of the penalties assessed.") (internal citations omitted).

[3] *United States v. Velsicol Chem. Corp.*, 438 F. Supp. 945, 947 (W.D. Tenn. 1976); *see also San Francisco Baykeeper v. W. Bay Sanitary Dist.,* 791 F. Supp. 2d 719, 771 (N.D. Cal. 2011) ("[I]t is true that dischargers are not insulated from liability merely because they make illegal discharges via a system owned and operated by other entities."). Even under the most restrictive view of CWA jurisdiction, a permit is required whenever it is reasonably foreseeable that pollutants discharged from a point source to another point source will ultimately be discharged into WOTUS. *See id.*; *Sierra Club v. El Paso Gold Mines, Inc.*, 421 F.3d 1133, 1145 (10th Cir. 2005). As noted above, however, it is unreasonable to conclude that any seafood processor would believe that seafood process water conveyed to a vessel, which operates exclusively in or on WOTUS, would be discharged anywhere other than WOTUS.

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT – FINAL

Permit Number: **AKG528000- MINOR MODIFICATION**

Seafood Processors Operating Onshore Facilities in Kodiak, Alaska

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

AUTHORIZATION TO DISCHARGE UNDER THE ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR Seafood Processors Operating Onshore Facilities in Kodiak, Alaska

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Part 1251 et seq. (hereafter, CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes 46.03, the Alaska Administrative Code as amended, and other applicable state laws and regulations.

The operator(s) or owner(s) of a facility, who are described in Part 1.1 of this Alaska Pollutant Discharge Elimination System (APDES) general permit, are authorized to discharge pollutants to waters of the United States (U.S.) in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

Discharge Name	Outfall Number
Seafood Processing (Butchering) Wastewater Outfall(s)	001 – To be Determined
Washed Mince / Washed Paste Wastewater Outfall(s)	002 - To be Determined
Seafood Processing By-Product Wastewater Outfall(s)	003 - To be Determined
Other Outfall(s)	004 - To be Determined

This permit shall become effective June 1, ~~January 1,~~ 2021.

This permit and the authorization to discharge shall expire at midnight, May 31, 2026. ~~December 31, 2025.~~

Each permittee shall reapply for an authorization to discharge on or before December 2, ~~July 3,~~ 2025, 180 days prior to expiration, if the permittee intends to continue discharging at the facility beyond the term of this permit.

Signature

December 15, 2020
Date

Gene McCabe
Printed Name

Program Manager
Title

A COPY OF THIS PERMIT SHALL BE KEPT AT THE FACILITY WHERE THE DISCHARGE OCCURS AND BY THE RESPONSIBLE PARTY IN CHARGE OF PERMIT COMPLIANCE

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TABLES

APPENDICES

ATTACHMENTS

SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee shall complete and submit to the Alaska Department of Environmental Conservation (DEC or the Department) Division of Water during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below. Submissions shall be post marked, submitted electronically, or faxed in by the due date.

Table 1: Schedule of Submissions

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to
Part 1.5.2	Notice of Intent (NOI) for a new operator	1/ permit cycle	90 days prior to commencement of discharge	Permitting
Part 1.5.1	NOI for a permittee with existing AKG528000 coverage	1/ permit cycle	By the effective date of this permit	Permitting
Part 1.8	Modified NOI	As Necessary	30 days prior to specified processing and/or outfall changes	Permitting
Part 1.10.1.1	Application for Permit Reissuance	1/ permit cycle	180 days prior to the expiration date of the permit	Permitting
Part 2.2.3	Pre-installation Biological Survey	As Necessary	Prior to outfall installation or relocation	Permitting
Part 2.2.4.13	Discharge Monitoring Report (DMR)	Monthly	Must be submitted electronically through the NetDMR system, on or before the 15th day of the following month	NetDMR
Part 2.6.1.1	Catch Transfer Water Treatment Practicability Report	1 / permit cycle	Within two years of the effective date of this permit, if applicable to the permittee	Permitting
Part 2.7.3	Receiving Water Quality Monitoring	2 / year	During the 2nd and 4th years of permit coverage	Compliance
Part 2.7.3	Receiving Water Quality Monitoring Report	Yearly, As Necessary	Due with the Annual Report in years when receiving water monitoring occurs	Compliance
Part 2.8	Annual Report	Yearly	Due annually on March 15. The Annual Report shall contain the previous year's required reporting, from January 1 to December 31	Compliance
Appendix A, 3.4	Oral notification of noncompliance	As Necessary	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance	Compliance
Appendix A, 3.4	Summary Report of noncompliance	As Necessary	Within 5 days after the permittee becomes aware of the circumstances of noncompliance, and with the Annual Report	Compliance

Submit to	
To submit **Permitting** documents, use: *(note, electronic reporting may be exclusively required during the permit cycle)* By Email: dec.water.seafoodpermitting@alaska.gov By Fax: 907-269-3487 If submitting by hard copy, please **MAIL COMPLETED PERMITTING SUBMISSIONS TO** State of Alaska Department of Environmental Conservation Division of Water Wastewater Discharge Authorizations Program Seafood and Aquaculture Permitting 555 Cordova Street Anchorage, AK 99501	To submit **Compliance** documents, use: *(note, electronic reporting may be exclusively required during the permit cycle)* By Email: dec-wqreporting@alaska.gov By Fax: 907-269-4604 If submitting by hard copy, please **MAIL COMPLETED COMPLIANCE SUBMISSIONS TO** State of Alaska Department of Environmental Conservation Division of Water Compliance Program 555 Cordova Street Anchorage, AK 99501

1.0 PERMIT COVERAGE

1.1. Facility Eligibility

Subject to meeting the conditions of this permit, onshore seafood processing facilities located in Kodiak, Alaska are eligible for coverage to discharge the pollutants specified herein to waters of the U.S., as set out in Part 1.2, after receiving an Alaska Department of Environmental Conservation (DEC or the Department) Alaska Pollutant Discharge Elimination System (APDES) written authorization, including an assigned authorization number.

1.2. Discharges Covered

This permit authorizes the discharge of pollutants to waters of the U.S. subject to the limitations and conditions set forth herein, including:

1.2.1. Seafood processing waste and wastewaters from seafood butchering, washed and unwashed mince/paste production, and seafood by-product production into hydro-dynamically energetic waters with a high capacity for dilution and dispersion, including:

1.2.1.1. Catch transfer water (delivering vessel fish hold waste and wastewater, live tank water, refrigerated seawater, or brine) conveyed to the onshore seafood facility.

1.2.1.2. Cleaning, disinfectant, and defoaming agents used in seafood processes where the permittee follows the manufacturer's use and disposal recommendations. This includes the use of disinfectants added to wash down water to meet applicable state and federal sanitation standards by facilitating waste removal while processing or sanitizing seafood processing areas.

1.2.2. Wastewater discharges from Sea Macroalgae (i.e., plant life (kelp, seaweed)) disinfection, blanching, and freezing.

1.2.3. Non-process wastewaters.

1.3. Discharges Not Covered

The discharge of any pollutant to waters of the U.S. that is not identified in a Notice of Intent (NOI) submitted to the Department, and expressly authorized by the permit, is not covered. Discharges not covered under the permit include, but are not limited to:

1.3.1. Discharge of domestic wastewaters.

1.3.2. Discharge of drinking water treatment wastewaters.

1.3.3. Discharge of vessel bilge waters.

1.3.4. Discharge of pollutants covered by other general or individual APDES permits.

1.3.5. Discharge of commingled or non-commingled storm water associated with construction activity.

1.3.6. Discharge of industrial storm water.

1.3.6.1. If the facility discharges industrial storm water to waters of the U.S., alone or commingled with seafood processing waste and wastewaters, the permittee shall determine whether the facility requires coverage under the APDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activity. The permittee shall identify the MSGP authorization number on the AKG528000 NOI (Part 1.6.2.6) or identify that the permittee has filed a MSGP No Exposure Certification.

1.3.6.2. Discharge of commingled industrial storm water and seafood processing waste and wastewaters is allowed only if all commingled wastewaters are treated to 1.0 mm or less, per Part 2.2.5.2.

1.3.7. Discharges associated with processing macroalgae beyond disinfection, blanching, and freezing activities.

1.3.8. Discharges associated with aquaculture and mariculture.

1.4. Prohibited Discharges

1.4.1. The following discharges are prohibited under the permit:

1.4.1.1. Discharge of putrid, raw (non-processed) seafood.

1.4.1.2. Discharge of contaminated or unsold interim or finished seafood by-products (e.g., hydrolysate, fish meal, fish oil).

1.4.1.3. Discharge of food and raw food ingredients, additives (e.g., salts, sugars, colors, etc.), or seafood processing chemicals (e.g., sulfates, phosphates, acids, bases, etc.) that have not been used directly in the permitted facility's seafood processing commodity line or in a seafood processing by-products line.

1.4.1.4. Discharge of effluents that, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use; cause a film, sheen, or discoloration to the water's surface or any shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the water surface, within the water column, on the seafloor, or upon any shorelines.

1.4.1.5. Discharge of hazardous or toxic substances, or other chemicals, in toxic amounts that may impair designated uses or violate water quality standards (WQS) of the receiving water.

1.4.1.6. Discharge of seafood waste and wastewater and residues that create attractive nuisance conditions whereby fish or wildlife are attracted to waste disposal or storage areas in a manner that creates a threat to fish or wildlife or to human health and safety.

1.4.1.7. Discharge of seafood waste and wastewater and residues that create a nuisance condition to designated uses as described in Part 2.2.9 and Appendix C.

1.4.1.8. Discharges that cause contamination of surface or ground waters or cause a violation of the Alaska WQS 18 AAC 70, unless allowed in this permit through exceptions to the standards (18 AAC 70.200 – 70.240).

1.5. Requesting Authorization

In order to be authorized to discharge any of the pollutants set out in Part 1.2 to waters of the U.S., an operator shall apply for coverage with the submittal of a complete NOI (Attachments A and A-1). This permit does not authorize any discharges from a seafood processor where the operator (1) has not submitted a NOI and received written authorization from DEC to discharge under the permit, or (2) has not been otherwise notified in writing by DEC that the operator is authorized to discharge under the permit.

1.5.1. Permittees with AKG528000 authorization listed in Attachment F are required to submit a complete NOI application by the effective date of the permit to continue coverage under this permit. Permittees with coverage who do not submit a complete NOI application by the permit effective date are allowing their permit coverage(s) to expire.

1.5.2. A new operator shall apply electronically or by hard copy for coverage under this permit. Applicants shall submit a complete NOI and required attachments at least 90 days prior to the start of discharge.

1.5.2.1. **For Electronic Submission** – Submit the AKG528000 NOI using electronic NOI (eNOI) via the Water Online Application System at http://dec.alaska.gov/water/oasys/index.html to request authorization. Include Attachments A and A-1 (in the following formats: Adobe pdf, Word, Excel).

1.5.2.2. **For Hard Copy Submission** – Submit the AKG528000 NOI form (Attachments A and A-1), along with an electronic version (in the following formats: Adobe pdf, Word, Excel) to:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
Seafood and Aquaculture Permitting Section
555 Cordova Street
Anchorage, AK 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: dec.water.seafoodpermitting@alaska.gov

1.5.3. The facility must comply with the current regulatory engineering plan review and approval requirements of 18 AAC 72, as applicable.

1.5.4. An operator who fails to submit a timely and complete NOI and obtain coverage under the permit and who discharges seafood processing waste and wastewaters to waters of the U.S. covered by this permit will be in violation of the Clean Water Act for discharging without an APDES permit.

1.6. Requirements to Submit a Complete Notice of Intent (NOI) (Attachments A and A-1)

1.6.1. A complete NOI shall include all information specified on the AKG528000 NOI, Attachments A and A-1. A complete NOI shall include the information required in this Part. If information is missing, the NOI will be deemed incomplete and permit authorization will not be granted.

1.6.2. Supporting documentation with the NOI. A complete NOI submittal shall also include the following:

1.6.2.1. Area Map. A legible area map and coordinates of the location of the processor (front door) and all outfall terminuses for seafood processing wastewaters, 'Other outfalls,' and commingled storm water. The Global Positioning System (GPS) coordinates (latitude and longitude) of each proposed discharge location shall be provided in decimal degrees (North American Datum (NAD) 1983 or World Geodetic System (WGS) 1984 datum). The accuracy of coordinates shall be at least within ±50 feet (17 meters). Also indicate the location of all incoming water supplies. Additional map (map layer) identifying whether the facility or any outfall is located within National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) designated critical habitat area.

1.6.2.2. Bathymetric Chart. A bathymetric chart to provide the depth of the seafloor for each outfall, reported at mean lower low water (MLLW) according to published National Oceanic and Atmospheric Administration (NOAA) bathymetric charts.

1.6.2.3. Line Drawing. The line drawing shall be tied in detail to the outfall narrative and outfall(s) described in the NOI Attachment A-1. The line drawing shall depict:

1.6.2.3.1. Operational areas contributing waste and wastewater to the waste treatment units (e.g., screening system), as well as non-process wastewaters. Similar processes, operations, or production areas may be identified as a single unit and labeled to correspond to a more detailed identification in a narrative report.

1.6.2.3.2. Flows corresponding to Attachment A-1, identifying water/wastewater flow through the facility operations and treatment units.

1.6.2.3.3. The location of all final monitoring locations, internal monitoring locations, and commingled storm water monitoring locations, where applicable.

1.6.2.4. Outfall Narrative. The operator shall submit a narrative identifying:

1.6.2.4.1. Each type of process, operation, or production area that contributes waste and wastewater to the effluent for each outfall, including reference to volumes in Attachment A-1. Processes, operations, or production areas may be described in general terms.

1.6.2.4.2. The final disposal method of any solid or fluid seafood processing wastes and wastewaters other than by discharge through an outfall.

1.6.2.5. Proposed Commodity Line Effluent Limitation Guideline (ELG) Calculation (must be based on Appendix D).

1.6.2.6. Documentation of facility storm water discharge coverage under the APDES MSGP, or notice that the facility has filed a No Exposure Certification with DEC.

1.6.2.7. Form 2M, if a mixing zone is requested. Permittees must include all associated information requested by the form, including modeling.

1.6.2.7.1. To request a mixing zone, permittees must also submit Form 2G and include sufficient information for the Department to complete an antidegradation analysis and make findings under 18 AAC 70.016 (b), (c), and (d). The Tier 2 antidegradation analysis is required for parameter(s) determined by the Department to meet the definition of new or expanded.

1.6.2.7.2. Mixing zones will be public noticed in accordance with 18 AAC 83.120.

1.7. Transfer of Authorization or Change in Location

1.7.1. **Change in Facility Location.** Authorization under this permit is not transferable if a facility changes location.

1.7.1.1. Authorization under this permit is specific to the outfall(s) identified in the NOI, and a facility specified geographic location. If a permittee moves to a new location not listed in the APDES authorization, thereby changing the discharge location, the permittee shall submit a Notice of Termination (NOT) form for the former facility's authorization within 30 days of ceasing discharge from the facility. The permittee shall apply for coverage for a new facility and discharge location by submitting a new NOI. The permittee is not authorized to discharge at the new location until the permittee receives a new written authorization.

1.7.1.2. If a permittee intends to change the location of any outfall/outfall terminus, the permittee shall contact the Department and submit an updated NOI with the proposed new outfall location at least 90 days prior to the relocation.

1.7.2. **New Operator.** Authorization to discharge under this permit may be transferred to another operator if:

1.7.2.1. The new operator notifies the Department in writing of the proposed transfer and submits a complete Name Change / Transfer of Ownership form. The new operator either confirms in writing that the commodity lines processed and volume discharged remains the same, and other information given on the original NOI remains correct, or the operator submits a modified NOI.

1.7.2.2. Neither the current permittee nor the new operator has received notification of the Department's intent to terminate coverage under this permit within 30 days of the operator's transfer request.

1.7.3. **Broken or repositioned outfall line**. If the permittee identifies in a Seafloor Survey, or other survey, that the outfall has been moved or has been broken outside the control of the permittee, the permittee shall submit a notice of noncompliance for discharging to an unauthorized discharge location, in accordance with Appendix A.

1.7.3.1. The permittee shall attempt to repair or replace the outfall pipe in accordance with Part 1.5.3. If the permittee is unable to replace or repair the outfall in order to place the terminus at the previously approved location, the permittee shall apply for coverage at the new location in accordance with Part 1.5.4.

1.7.4. The Department may continue coverage for a new operator under this permit or may require the new operator to apply for and obtain a different discharge permit authorization.

1.7.5. The new operator is responsible for payment of any applicable permit fees.

1.8. Updated NOI

1.8.1. A permittee with current coverage is required to submit an updated NOI at least 30 days prior to the following:

1.8.1.1. A permittee's current NOI on file requires modification (e.g., new or changed ownership, management information, permittee, authorized representative name or title, address, telephone numbers).

1.8.1.2. Any material change is proposed, including but not limited to: discharge location(s), processing plant location, discharge totals, production levels, commodity lines processed, waste treatment systems, or processes. The material changes from the original NOI shall be clearly indicated on the new NOI.

1.8.1.3. Changes to waste and wastewater treatment system(s) occur. See also Part 1.5.3.

1.8.2. Modified operations may not commence prior to written approval from DEC.

1.8.3. The Department may require a permittee to submit an updated NOI.

1.9. Permit Authorization Conditions and Revocation

1.9.1. An operator seeking coverage with the submittal of an NOI is only covered by this permit after the receipt of a written authorization from DEC and the assignment of an APDES permit authorization number.

1.9.2. If a permit authorization is approved and the permittee submits a NOI proposing a discharge that may significantly alter pollutant loading or discharge locations, or if an Annual Report shows that the discharge is not complying with WQS or permit conditions, DEC may condition the authorization with restricted discharge dates or amounts.

1.9.3. If a permit authorization is approved, DEC can modify or deny continued coverage by written notice to the permittee.

1.9.4. DEC may notify an operator that they are covered by this permit, even if the operator has not submitted a NOI.

1.9.5. DEC may require any operator applying for, or covered by, a general permit authorization to apply for and obtain an individual permit.

1.9.6. If an operator submits an individual permit application, DEC may at its discretion issue a general permit authorization in lieu of issuing an individual permit.

1.9.7. A permittee automatically covered by this permit may request to be excluded from coverage by applying to the Department for an individual permit. The request shall be made by submitting APDES individual permit application forms with reasons supporting the request.

1.10. Continuation of an Expired General Permit

1.10.1. If the permit is not reissued prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155(c) and remain in force and effect for discharges that were authorized prior to expiration.

1.10.1.1. A permittee who wishes to remain covered by administrative continuation of this permit shall submit a timely and complete NOI to the Department six months (180 days) prior to the expiration of the permit requesting authorization for coverage under a reissued permit.

1.10.1.2. Following a permittee's timely and appropriate submittal of a complete NOI, the Department may:

1.10.1.2.1. Reissue the general permit and provide continued coverage.

1.10.1.2.2. Issue an administrative continuation letter to the permittee.

1.10.1.2.3. Make a formal decision to not reissue this general permit or to not cover a particular discharger previously authorized by the general permit, at which time DEC will identify a reasonable time period for covered dischargers to seek coverage under an alternative APDES permit. Coverage under this permit will cease at the end of this time period.

1.10.2. The permittee is required to abide by all limitations, monitoring, and reporting included herein if the permit enters administrative continuation until such time a permit is reissued authorizing the discharge or a NOT is submitted by the permittee.

1.11. Termination of Permit Coverage.

1.11.1. Permittee Requested Termination - To terminate permit coverage, a permittee shall submit a complete and accurate NOT. The signed NOT form (Attachment E) shall be submitted to DEC at the address listed in Table 1 or by other DEC-approved electronic methods. Note: DEC will not terminate a permit authorization if the permittee is subject to an enforcement action under the subject authorization.

1.11.2. When to Submit a NOT - A permittee shall request permit coverage termination by submitting a DEC NOT form if any of the following conditions have been met:

1.11.2.1. All discharges have permanently ceased.

1.11.2.2. The entire discharge is routed to a properly operating and permitted wastewater treatment facility with an established industrial source pretreatment program, meeting all pretreatment requirements.

1.11.2.3. A change in facility and discharge location has occurred, as outlined in Part 1.7.

1.11.2.4. The permittee has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an APDES permit.

1.11.3. If a permittee submits a NOT without meeting one or more of the conditions identified in Part 1.11.2, then the permittee's NOT is not valid. The permittee is responsible for meeting the terms of this permit until their authorization is terminated in writing by the Department.

1.11.4. Any permittee who has not requested termination of permit coverage, or whose authorization has not been terminated by the Department, remains responsible for meeting all permit requirements, including monitoring and reporting, until the authorization is terminated.

2.0 LIMITATIONS AND REQUIREMENTS

2.1. Applicability

Part 2.2 and its subparts apply to all permittees. Parts 2.3 through 2.6 are facility-specific discharge type requirements. The limits, monitoring, and conditions based on type of discharge only apply if the facility discharges those specific types of waste and wastewaters. Permittees discharging the various types of waste and wastewaters are responsible for determining when the discharges are occurring and performing required sampling during each effluent's applicable discharge time. All authorized discharges shall meet the applicable treatment requirements set out in this permit.

2.2. General Requirements

The following limitations and requirements apply to all permittees.

2.2.1. Flow Meter and Totalizer Installation

2.2.1.1. **New Facilities/Outfalls.** Installation and maintenance of effluent flow meters and totalizers are required at new facilities and for new outfall installations (except for those flows excluded under Table 8 – Footnote e).

2.2.1.2. **Existing Facilities**. Existing permittees' main seafood processing discharge outfall must have a flow meter and totalizer installed as of the effective date of the permit. For all other existing outfalls (except for those flows excluded under Table 8 – Footnote e), permittees must install and maintain effluent flow meter(s) and totalizer(s) within 24 months of the effective date of this permit, or sooner if modifications or installations of waste treatment systems occur.

2.2.1.3. **Existing Facilities with Washed Mince and Washed Paste**. Existing permittees who process washed mince, washed paste, or both commodity line(s) must install an internal flow meter and totalizer on that commodity line within six months of the effective date of this permit.

2.2.2. Flow Measurements

2.2.2.1. Installed or upon installation, the effluent flow shall be continuously measured and recorded using a flow meter and totalizer.

2.2.2.2. The permittee shall record each outfall's estimated or measured flow (mgd), report the daily flow for each sampling day (24-hour sampling period), and report the average monthly discharge flow (mgd) on the applicable discharge monitoring report (DMR).

2.2.2.2.1. At existing facilities on outfalls where flow meters are not yet installed, the daily and average monthly discharge flow volumes (mgd) may be estimated for the first 24 months after the permit's effective date or until flow meter installation, whichever occurs first.

2.2.2.2.1.1. Estimated volumes shall be established by use of professional methods (e.g., pump size and duration of pumping, potable water usage, or volume of vessels emptied).

2.2.2.2.1.2. When discharge flow volumes are estimated instead of measured, permittees must submit the flow volume calculation methods as an attachment with the next month's required DMR.

2.2.2.2.1.3. Flow volume estimation methods must be placed in the Best Management Practices (BMP) Plan. Revisions to the procedure to derive the flow volume estimations must be updated in the BMP Plan prior to using the new procedure for reporting purposes.

2.2.3. **Pre-Installation / Pre-Discharge Survey Requirements**

2.2.3.1. The placement of any outfall shall not be anchored in or discharge waste or wastewater into or onto "living substrates" such as submerged aquatic vegetation, kelp, or eelgrass. A pre-biological survey is required in compliance with Appendix G:

2.2.3.1.1. Where a new onshore facility, with new outfall(s), is being proposed, or

2.2.3.1.2. Where an existing facility is proposing a new outfall location, or

2.2.3.1.3. Where a permittee is restarting a seafood processing facility in a location where no seafood discharges have occurred for the past 12 months.

2.2.4. **Monitoring and Reporting Requirements**

2.2.4.1. All permit limit values represent maximum effluent limits unless otherwise indicated. The permittee must comply with effluent limitations at all times unless otherwise indicated, regardless of monitoring frequency or reporting required by other provisions of this permit.

2.2.4.2. All monitoring and effluent limitations as set out in the permit are required to begin upon the effective date of this permit and shall continue until the next permit reissuance when new monitoring requirements are established.

2.2.4.3. All monitoring is to be representative of the waste stream flow and be conducted while the applicable discharge is occurring.

2.2.4.4. All required seafood processing waste and wastewater monitoring must be conducted while full seafood processing is occurring during the 24-hour sampling period. When seafood processing is for short or intermittent periods, samples are to be taken while seafood processing waste and wastewaters discharge is occurring.

2.2.4.5. Where monitoring is required or if the permittee monitors any pollutant more frequently than the permit requires, the permittee shall use a sufficiently sensitive EPA-approved test method that quantifies the level of pollutants to a level lower than applicable limits or WQS, or use the most sensitive test method available, per Title 40 Code of Federal Regulations (CFR) Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants), adopted by reference at 18 AAC 83.010(f), or methods found in 18 AAC 70, as applicable. Upon request by the Department, the permittee must submit the results of any other monitoring regardless of the test method used.

2.2.4.6. For purposes of reporting on the DMR for a single sample, if a value is less than the method detection limit (MDL), the permittee must report "less than (<) {numeric value of MDL}" and if a value is less than a reporting limit (RL) (also called a minimum reporting limit (MRL) or a practical quantification limit (PQL)), the permittee must report "less than (<) {numeric value of RL}."

2.2.4.7. Permittees have the option of taking more frequent samples than are required under the permit. If applicable, these samples must be used for averaging if they are conducted using the Department approved test methods (generally found in 18 AAC 70 and 40 CFR Part 136 [adopted by reference in 18 AAC 83.010]). The results of any additional monitoring must be

included in the calculation and the reporting of the data submitted in the DMR (per Appendix A, Part 3.2 and 3.3), except as specified in Part 2.3.6.3.

2.2.4.8. Where monitoring is required, the permittee shall label each sample clearly, identifying the applicable pollutant parameter being monitored and the outfall number (e.g., Outfall 001, 002, etc.) the sample is taken for. For required receiving water monitoring, the permittee shall label each sample clearly, identifying the pollutant parameter being monitored, the location of where the sample was taken in the receiving water (i.e., latitude/longitude), and the depth the sample was taken, measured at MLLW.

2.2.4.9. All limitations that require averaging of measurements must be estimated using an arithmetic mean unless the Department specifies another method in the permit.

2.2.4.10. DEC may require additional effluent or receiving water monitoring for site-specific purposes related to, but not limited to: NOI submittal information, protection of state WQS, gathering data to support Total Maximum Daily Load (TMDL) development, evaluation of receiving water impairments, or evaluation of effects on threatened or endangered species. Monitoring frequencies requiring additional sampling may be adjusted for site-specific purposes. The permittee will be notified of any additional or site-specific monitoring in writing when issued authorization to discharge under the general permit.

2.2.4.11. **Electronic Reporting**

2.2.4.11.1. E-Reporting Rule - Phase I (DMRs). The permittee must submit a DMR for each month by the 15th day of the following month. DMRs shall be submitted electronically through NetDMR per Phase I of the E-Reporting Rule (40 CFR Part 127). For access to the NetDMR Portal, go to http://cdxnodengn.epa.gov/oeca-netdmr-web/action/login. DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in Appendix A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g. receiving water data, etc.) shall be included as an attachment to the NetDMR submittal. DEC has established an E-Reporting Information website at http://dec.alaska.gov/water/compliance/electronic-reporting-rule which contains general information about this reporting format. Training modules and webinars for NetDMR can be found at https://netdmr.zendesk.com/home.

2.2.4.11.2. E-Reporting Rule - Phase II (Other Reports). Phase II of the E-Reporting Rule will integrate electronic reporting for all other reports required by the Permit (e.g., Annual Reports and Certifications) and implementation is expected to begin during the permit cycle. Permittees should monitor DEC's E-Reporting website http://dec.alaska.gov/water/compliance/electronic-reporting-rule for updates on Phase II of the E-Reporting Rule and will be notified when they must begin submitting all other reports electronically. Until such time, other reports required by the Permit may be submitted in accordance with Appendix A – Standard Conditions.

2.2.4.12. The permittee is required to mark "no discharge" on their NetDMR submittal for the months where monitoring is required but the facility is not discharging.

2.2.4.13. A summary report of DMR or other pollutants monitored, based on associated seafood commodity line(s) waste and wastewater streams or other, shall be submitted with the Annual Report (Part 2.8).

2.2.5. **Treatment and Limits Applicable to All Permittees**

2.2.5.1. Wastewater discharges shall not cause or contribute to a violation of the Alaska WQS found in Title 18 Alaska Administrative Code Chapter 70 (18 AAC 70).

2.2.5.2. All seafood processing waste and wastewater shall be treated to 1.0 millimeter (mm) or less via screens or other equivalent technology capable of meeting the technology-based effluent limitations found in Part 2.3 (Table 3) and Part 2.5 (Table 6), as applicable.

2.2.5.2.1. All collected seafood processing waste solids shall be conveyed to a by-product recovery facility or to a by-product recovery commodity line, or be disposed of in another Department-approved manner.

2.2.5.3. A permittee shall route all incidental seafood processing waste and wastewaters in scuppers and floor drains through a conveyance system to the seafood waste treatment system prior to discharge.

2.2.5.4. Non-process wastewaters may, but are not required to, be discharged through the seafood waste treatment system. Permittees shall establish pollution reduction BMPs for any effluents that have not been sent through the screening system.

2.2.5.5. If there are reoccurring sea surface residues violations at the facility, the permittee is required to develop and implement mitigating BMPs.

2.2.5.6. Permittees are required to monitor catch transfer water conveyed to the onshore seafood processing facility per Part 2.6 if not already monitored per Part 2.3.

2.2.5.7. All permit required effluent monitoring, except as specified in Part 2.4, shall be performed after all commingling has occurred and after the last treatment unit but prior to discharge to waters of the U.S. If a facility is authorized a mixing zone, the effluent limits in Table 2 may be superseded by corresponding modified effluent limits in the individual authorization to discharge. DEC will notify the permittee of any modified effluent limits when issuing an authorization to discharge under this general permit.

2.2.5.8. All effluents discharged to waters of the U.S. must meet the limits found in Table 2.

Table 2: Final Effluent Limits Applicable to All Permittees

Parameter	Units	Minimum	Maximum
Temperature	° C	--	15
pH	SU	6.5	8.5

2.2.6. **Outfall System Inspection**

2.2.6.1. The permittee shall perform an outfall condition inspection during the seafloor survey found in Part 2.7.2. Inspection techniques such as pressure testing, visual, remotely operated vehicle (ROV), dye testing, or diver inspection are allowed. The inspection methods must be in the BMP Plan and made available to DEC upon request.

2.2.6.1.1. The permittee shall ensure cathodic protection is functional and the outfall system and cathodic protection are not at the end of functional life.

2.2.6.1.2. The permittee shall document outfall condition and remaining life.

2.2.6.1.3. The permittee shall keep a log of repairs to the outfalls.

2.2.6.2. The permittee shall cease discharging from a severed, failed, or leaking outfall system as soon as possible, but no more than ten days past discovery of the severance, failure, or damage, with the allowance of enough time to process seafood already offloaded to the facility. Discharging shall be discontinued if the system is unable to be repaired within 10 days. Any failure of the outfall system shall be verbally reported to DEC within 24 hours of discovery, and written notification is required within 5 days of discovery in accordance with Appendix A, Part 3.4 (Twenty-four Hour Reporting).

2.2.6.3. The permittee shall include a section in the Annual Report (Part 2.8) that summarizes the noncompliance issues and violations found during outfall system inspections and other information gathering during the calendar year.

2.2.7. **Permittees Discharging to or within 1.0 nm of Critical Habitat Areas or Game Refuges**

2.2.7.1. Permittees shall have trained personnel at the facility capable of identifying the listed threatened or endangered species (spectacled eiders, Steller's eiders, Northern Sea Otters, Sea Lions, etc.).

2.2.7.2. Permittees shall provide a report of threatened or endangered species sighting(s) recorded in accordance with Part 2.7.1.2.3 with the Annual Report.

2.2.7.3. Permittees that transfer fuel in or within 1.0 nautical mile (nm) of the critical habitat area shall comply with all federal and state regulations for the prevention of, preparedness for, and response to oil discharges. Permittees shall have written procedures in their BMP Plan for spill response and shall store adequate oil and fuel clean-up equipment at the facility and at fuel transfer locations.

2.2.7.4. A new outfall proposed to discharge in designated critical habitat area will be public noticed in accordance with 18 AAC 83.120 requirements.

2.2.8. **Moored/Docked Support Vessels (Processing or Freezing)**

2.2.8.1. All seafood processing discharges from moored/docked vessels providing support (processing or freezing) to the onshore facility must be routed to the onshore facility's waste treatment systems. No discharges from a support vessel are allowed, except those non-commingled ballast water discharges for the normal operation of the vessel.

2.2.8.2. A support vessel's sanitary wastewater must only be disposed in a Department approved manner.

2.2.9. **Nuisance Conditions**

2.2.9.1. The permittee shall ensure seafood processing waste and wastewater and residues do not create attractive nuisance conditions whereby fish or wildlife are attracted to seafood waste or wastewater, or to storage areas in a manner that creates a threat to fish or wildlife, or to human health and safety.

2.2.9.2. The permittee shall ensure seafood processing waste and wastewater and residues do not create a nuisance condition to designated uses.

2.2.9.3. DEC will use the following criteria to determine whether a nuisance or an objectionable condition exists, including whether seafood waste or wastewaters are or have been:

2.2.9.3.1. Attracting undesirable or nuisance species.

2.2.9.3.2. Creating an objectionable odor or taste.

2.2.9.3.3. Resulting in complaints or observations from existing users.

2.2.9.3.4. Inconsistent with the intended use of the area as designated in a land use or other resource management plan adopted by a federal, state, or local government.

2.3. Conventional or Mechanized Seafood Processing (Butchering)

2.3.1. Single and mixed commodity effluent monitoring and reporting is required. Required formulas and example calculations used to determine compliance with the effluent limits in Table 3 are shown in Appendix D of this permit. All instances of noncompliance with the effluent limits in Table 3 shall be reported in accordance with Appendix A, Part 3.4 and be reported on the DMR and discussed in the Annual Report (Part 2.8.3.2.6).

2.3.2. Effluent monitoring shall be performed after the last treatment unit, and after commingling with any other seafood processing effluents (e.g., washed or unwashed mince, washed or unwashed paste waste and wastewater commingled with butchering waste and wastewater), but prior to discharge. Effluent limits shall be met at the end of the treatment process prior to discharge.

2.3.3. The effluent discharge limitations and monitoring required by this Part are as specified in Table 3 and Table 4, respectively.

2.3.4. Permittees shall develop methods to calculate or measure individual commodity line pounds processed (lbs/day) to use in permit limit calculations. Final calculations shall be submitted with the Annual Report.

2.3.5. Facility-specific effluent limitations (based on Table 3) [1] shall be calculated using the methods in Appendix D.

2.3.5.1. All monitoring results and calculations performed in accordance with Table 3 and Table 4 shall be included as an attachment to the DMR.

2.3.5.2. If multiple commodity lines were processed on the sampling day or during the month, the permittee shall calculate the mixed-commodity effluent limits based on weighted averages of the limits in Table 3.

2.3.5.2.1. These permit limit calculations will take into account the various commodity lines' production percentages during the reporting period. The permittee shall indicate on the DMR attachment the commodity lines processed during the reporting period as well as the lbs pollutant discharged / 1,000 lbs raw product processed for applicable pollutants (e.g., BOD_5, O&G, TSS).

2.3.6. Monitoring and Reporting Requirements

2.3.6.1. The permittee shall report the number of days in the calendar month that each commodity line of seafood processing occurred.

2.3.6.2. Every commodity line processed for at least 24 hours during the calendar month must be represented in at least one of that month's sampling events under Table 4. Permittees may need to sample more frequently than the minimum weekly frequency in order to fulfill this requirement. Results for all sampling days shall be included in the Annual Report (Part 2.8.3.2.1).

2.3.6.3. If there are 24-hour period(s) during which sea macroalgae is the only commodity line processed, the permittee must sample during all of those 24-hour periods for the parameters in

[1] Washed Mince / Washed Paste discharge pollutant monitoring concentration results [(mg/L) per Part 2.4] shall not be subtracted when determining compliance with final effluent limits (Table 3). Rather, the calculations provided in Appendix D, based on mass loading calculation and subtraction, shall be used.

Table 4 and report the results only in the Annual Report (Part 2.8.3.2.1). These samples shall not be included in pollutant loading monthly average calculations and do not count as the required weekly samples for DMR reporting.

2.3.6.4. The permittee shall conduct monitoring in accordance with the requirements and frequencies established in this Part, including Table 3 and Table 4.

2.3.6.5. The permittee shall perform all other monitoring requirements set forth in Part 2.3 – Part 2.7, as applicable.

Table 3: Butchering Effluent Limitations (Outfall 001)

Commodity Line	**Total Suspended Solids (TSS) (lbs/1,000 lbs)**		**Oil & Grease (O&G) (lbs/1,000 lbs)**		**Biochemical Oxygen Demand (BOD_5) (lbs/1,000 lbs)**	
	Daily Maximum	**Monthly Average**	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Monthly Average**
Crab Meat	16	5.3	1.6	0.52	report	report
Whole Crab/Crab Sections	9.9	3.3	1.1	0.36	report	report
Shrimp	270	180	45	15	report	report
Salmon Conventional/Hand Butchered	2.3	1.4	0.28	0.17	report	report
Salmon Mechanized Processing	42	25	28	10	report	report
Bottom Fish [a] Conventional/Hand Butchered	1.9	1.1	2.6	0.34	report	report
Bottom Fish [a] Mechanized Processing	22	12	9.9	3.9	report	report
Scallops	5.7	1.4	7.3	0.23	report	report
Herring – Frozen Whole	2.3	1.4	0.28	0.17	report	report
Herring Fillet Processing	23	18	20	7.3	report	report

Notes:

a. Bottom fish include flounder species (e.g., arrowtooth), flatfish/sole species (e.g., yellowfin), halibut, rockfish/snapper species, ocean perch species (e.g., pacific), cod species (e.g., pacific, ling), pollock, sablefish, atka mackerel, and Pacific hake (whiting).

Table 4: Butchering Monitoring and Reporting Requirements (Outfall 001)

Parameter	Units [a]	Sample Frequency	Reporting Requirements	Sample Type
Daily Flow	mgd	record daily	report for the day of pollutant monitoring	metered/estimated
Monthly Flow	mgd	record daily	report monthly average	metered/estimated
Amount raw product processed [b]	lbs	daily	report poundage by commodity line for sampling days and monthly total	measured for each commodity line
Number of Days Processing [b]	days	record daily	report monthly total	measured
BOD_5 [c, d]	mg/L	weekly	report	composite [e]
	lbs/day			
	lbs/1,000 lbs			
TSS [c, d]	mg/L	weekly	report	composite [e]
	lbs/day			
	lbs/1,000 lbs			
O&G [c, d]	mg/L	weekly	report	grab
	lbs/day			
	lbs/1,000 lbs			
Settleable Solids	mL/L	weekly	report	grab
Total Dissolved Solids	mg/L	weekly	report	composite [e]
Total Residual Chlorine (TRC) [f]	µg/L	weekly	report	grab
Total Ammonia	mg-N/L	weekly	report	grab
pH	SU	weekly	report	grab
Salinity	ppt	weekly	report	grab
Temperature	° C	weekly	report	grab

Notes:

a. Units: mgd = million gallons per day (24-hrs), lbs = pounds, mg/L = milligrams per liter, lbs/day = pounds per day, lbs/1,000 lbs = pounds per 1,000 lbs raw product processed, mL/L = milliliter per liter, µg/L = micrograms per liter, SU = standard units, ppt = parts per thousand, and °C = degrees Celsius.

b. The permittee shall report the number of days of processing and the raw product lbs processed (for sampling days and total monthly) for each commodity line (e.g., crab meat, whole crab or crab sections, salmon by conventional/hand, salmon by mechanized processing, bottom fish, herring fillet processing, herring frozen whole, or scallops).

c. Permittees shall report the daily maximum and monthly average in pounds (lbs) BOD_5, TSS, and O&G / day each sample event during the calendar month.

d. Permittees shall report the pounds BOD_5, TSS, and O&G / 1,000 pounds raw product processed on the day of monitoring, as well as the monthly averages discharged. The calculations to determine pounds of pollutant discharged / 1,000 pounds of raw product processed, as well as calculations necessary to determine compliance with the effluent limitations in Table 3, are shown in Appendix D of this permit. On DMRs, permittees shall specify the effluent limitation calculated based on the commodity mix processed during the reporting period.

e. See Appendix C for a definition. The compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period. Deviations from this composite sampling protocol may be used if requested with the NOI and approved in writing in the facility's individual authorization to discharge.

f. Chlorine monitoring is required only if used as a disinfectant or introduced elsewhere in the seafood processing area. Compliance with the receiving water limits for total residual chlorine cannot be determined using EPA-approved analytical methods. DEC will use 0.1 mg/L as the compliance limit for this parameter.

2.4. Washed Mince and Washed Paste Commodity Line Requirements

2.4.1. Existing permittees may estimate flow volumes for six months after the permit's effective date if the permittee does not have an effluent flow meter installed at the internal monitoring location prior to commingling. After such date, or upon installation, the use of a flow meter and totalizer is required.

2.4.1.1. When estimating flow volumes as allowed under this Part, the permittee may estimate or record the incoming flow volume to each washed mince / washed paste commodity line area as a proxy for discharge volume.

2.4.2. The washed mince / washed paste seafood waste and wastewaters shall be monitored as follows:

2.4.2.1. If washed mince / washed paste seafood processing waste and wastewater is the only discharge through an individual outfall, the non-commingled, washed mince / washed paste effluent must be treated to 1.0 mm or less and monitored per the monitoring schedule set out in Table 5.

2.4.2.2. If the washed mince / washed paste seafood processing waste and wastewaters are commingled with other wastewaters prior to screening and discharge, monitoring per Table 5 shall occur at an internal monitoring point located prior to any commingling to determine washed mince / washed paste commodity line effluent mass-based pollutant loading (i.e., lbs TSS/O&G/BOD_5).

2.4.2.3. Sampling under Part 2.4.2.2 shall be conducted during the same 24-hour monitoring period as required monitoring under Part 2.3 and Table 4, and both sampling events shall occur while washed mince / washed paste seafood effluent is being discharged through the mixed-commodity outfall.

2.4.2.4. For the internal monitoring location, the permittee is required to screen the washed mince / washed paste waste and wastewater sample(s) to 1.0 mm or less, equivalent to the seafood waste treatment screening technology installed, prior to analysis of BOD_5, O&G, TSS, SS, and TDS.

2.4.2.5. The pounds of raw product processed into washed mince / washed paste at the facility shall not be included in the butchering line's pounds raw product processed when calculating lbs pollutant/1,000 pounds raw product processed for BOD_5, O&G, or TSS effluent limits.

2.4.2.5.1. The internal monitoring location's calculated mass (lbs/day) of BOD_5, O&G, or TSS shall be subtracted from the butchering line's calculated mass (lbs/day) of BOD_5, O&G, or TSS, respectively, prior to the final calculation of lbs pollutant/1,000 pounds raw product processed for BOD_5, O&G, or TSS effluent limits in Table 3 (see Appendix D).

2.4.2.6. The permittee shall perform all other monitoring requirements set forth in Part 2.3 – Part 2.7, as applicable.

Table 5: Washed Mince / Washed Paste Effluent Monitoring and Reporting Requirements (Outfall 002)

Parameter	Units [a]	Sample Frequency	Reporting Requirements	Sample Type
Daily Flow	mgd	record daily	report for the day of pollutant monitoring	metered/estimated
Monthly Flow	mgd	record daily	report monthly average	metered/estimated
Raw product sent to washed mince / washed paste commodity line / area	lbs	record daily	report for sampling days and monthly total	measured
Number of Days Processing [b]	days	record daily	report monthly total	measured
BOD_5 [c,d]	mg/L	weekly	report	composite [f]
	lbs/day			
	lbs/1,000 lbs			
TSS [c,d]	mg/L	weekly	report	composite [f]
	lbs/day			
	lbs/1,000 lbs			
O&G [c,d]	mg/L	weekly	report	grab
	lbs/day			
	lbs/1,000 lbs			
Settleable Solids [e]	mL/L	weekly	report	grab
Total Dissolved Solids	mg/L	weekly	report	composite [f]
Total Residual Chlorine (TRC) [g]	µg/l	weekly	report	grab
Total Ammonia	mg-N/L	weekly	report	grab
pH	SU	weekly	report	grab
Salinity	ppt	weekly	report	grab
Temperature	° C	weekly	report	grab

Notes:

a. Units: mgd = million gallons per day (24-hrs), lbs = pounds, mg/L = milligrams per liter, lbs/day = pounds per day, lbs/1,000 lbs = pounds per 1,000 lbs raw product processed, mL/L = milliliter per liter, µg/L = micrograms per liter, SU = standard units, ppt = parts per thousand, and °C = degrees Celsius.

b. The permittee shall report the number of days each calendar month on which washed mince / washed paste seafood processing occurred.

c. Permittees shall report the daily maximum and monthly average pounds BOD_5, TSS, and O&G.

d. Calculations to determine lbs of pollutant discharge per 1,000 lbs of raw product processed are shown in Appendix D.

e. Use methods described in 18 AAC 70.020(b), footnote 11. Add methods to QAPP.

f. See Appendix C for a definition. The compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period. Samples shall be taken as required in Part 2.4.2. Deviations from this composite sampling protocol may be used if requested with the NOI and approved in writing in the facility's individual authorization to discharge.

g. Monitoring for chlorine required only if chlorine is used as a disinfectant, or introduced elsewhere in the seafood processing area. Compliance with the receiving water limits for total residual chlorine cannot be determined using EPA-approved analytical methods. DEC will use the 0.1 mg/L as the compliance limit for this parameter.

2.5. Seafood By-product Discharge Requirements

2.5.1. The permittee shall measure (weigh) and report the total pounds of screened seafood solids received at the by-product facility / line(s) (e.g., Fish Meal, Fish Powder, Fish Oil, Fish Hydrolysate, or other).

2.5.1.1. The pounds of screened seafood solids received by the by-product facility shall be used when calculating lbs pollutant/1,000 pounds raw product processed for BOD_5, O&G, or TSS effluent limits in Table 6.

2.5.1.2. The permittee shall use pollutant mass-based calculations (Appendix D) to determine pollutant loading during the reporting period.

2.5.2. The effluent limits found in Table 6 and monitoring requirements in Table 7 apply to:

2.5.2.1. The post-screening, internal monitoring location prior to commingling, or

2.5.2.2. The post-screening, effluent monitoring location for discharges to waters of the U.S.

2.5.3. Methods for disposal of stickwater and stickwater condensate (solids) shall be described in the NOI. The BMP Plan (Part 2.10) shall describe the waste and wastewater treatment system applicable to the seafood processing by-product waste and wastewater (including stickwater), method of stickwater disposal, and back-up method of stickwater disposal should the seafood processing waste and wastewater treatment system fail.

2.5.4. If stickwater or stickwater recovery effluent is discharged through an outfall, sampling under Table 7 must be conducted while the stickwater effluent is being discharged. When discharge is occurring for short or intermittent periods, samples shall be taken midway during stickwater discharge.

2.5.5. The permittee must report the daily flow (mgd) of stickwater effluent discharged. The calculation used to measure stickwater discharge volume shall be included with the Annual Report.

2.5.6. The permittee shall use pollutant mass-based calculations (Appendix D) for reporting pollutant loading and compliance with Table 6 effluent limits.

2.5.7. The permittee shall perform all other monitoring requirements set forth in Part 2.3 – Part 2.7, as applicable.

Table 6: Seafood By-product Effluent Limitations
(Fish Meal, Fish Powder, Fish Oil, Fish Hydrolysate, and Other) (Outfall 003)

Parameter	Units [a]	Monthly Average Limit	Daily Maximum Limit
BOD_5	lbs/1,000 lbs	3.8	6.7
TSS	lbs/1,000 lbs	1.5	3.7
O&G	lbs/1,000 lbs	0.76	1.4

Notes:
a. Units: lbs/1,000 lbs = pounds per 1,000 lbs raw product (screened solids received) processed.

Table 7: Seafood By-product Monitoring and Reporting Requirements (Fish Meal, Fish Powder, Fish Oil, Fish Hydrolysate and Other) (Outfall 003)

Parameter	Units [a]	Sample Frequency	Reporting Requirements	Sample Type
Daily Flow	mgd	record daily	report for the day of pollutant monitoring	metered/estimated
Monthly Flow	mgd	record daily	report monthly average	metered/estimated
Number of Days Processing [b]	days	daily	report monthly total	measured
Amount seafood received by the by-product recovery line	lbs	daily	report for sampling days and monthly total	measured (weighed)
BOD_5 [c, d]	mg/L	weekly	report	composite [e]
	lbs/day			
	lbs/1,000 lbs			
TSS [c, d]	mg/L	weekly	report	composite [e]
	lbs/day			
	lbs/1,000 lbs			
O&G [c,d]	mg/L	weekly	report	grab
	lbs/day			
	lbs/1,000 lbs			
Settleable Solids	mL/L	weekly	report	grab
Total Residual Chlorine (TRC) [f]	µg/l	weekly	report	grab
Total Ammonia	mg-N/L	weekly	report	grab
pH	SU	weekly	report	grab
Salinity	ppt	weekly	report	grab
Temperature	° C	weekly	report	grab

Notes:

a. Units: mgd = million gallons per day (24-hrs), lbs = pounds, mg/L = milligrams per liter, lbs/day = pounds per day, lbs/1,000 lbs = pounds per 1,000 lbs raw product (screened seafood waste received) processed, mL/L = milliliter per liter, µg/L = micrograms per liter, SU = standard units, ppt = parts per thousand, and °C = degrees Celsius.

b. The permittee shall report the number of days per month that by-product production occurred.

c. Permittees shall report the daily maximum and monthly average in pounds (lbs) BOD_5, TSS, and O&G / day each sample event during the calendar month.

d. Permittees shall report the pounds BOD_5, TSS, and O&G / 1,000 pounds raw product processed on the day of monitoring, as well as the monthly averages discharged. The calculations to determine pounds of pollutant discharged / 1,000 pounds of raw product processed, as well as calculations necessary to determine compliance with the effluent limitations in Table 6, are shown in Appendix D of this permit.

e. See Appendix C for a definition. The compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period. Deviations from this composite sampling protocol may be used if requested with the NOI and approved in writing in the facility's individual authorization to discharge.

f. Monitoring for chlorine required only if chlorine is used as a disinfectant, or introduced elsewhere in the seafood processing area. Compliance with the receiving water limits for total residual chlorine cannot be determined using EPA-approved analytical methods. DEC will use the 0.1 mg/L as the compliance limit for this parameter.

2.6. Other Outfall(s) Limits and Monitoring

2.6.1. The permittee shall treat any water that has come in contact with seafood at the facility (including catch transfer water discharged to a vessel after seafood offloading) to meet established requirements of Part 2.2.5.2, including any discharges from the facility other than from the main seafood processing outfall. The permittee shall send the resulting screened/sieved seafood processing waste solids to a by-product recovery facility or dispose of them by other Department-approved methods.

2.6.1.1. If a permittee does not have the existing capability to treat catch transfer water as required by Part 2.6.1 prior to discharging to the vessel, the permittee may discharge this effluent to the vessel untreated but must still monitor the effluent as required by Part 2.6.2.2 and must submit a Catch Transfer Water Treatment Practicability Report to the Department within two years of the permit effective date. The report must evaluate various control techniques available and include the total cost of implementing and operating the control techniques evaluated as well as any other factors the permittee deems appropriate for Department consideration (e.g., engineering aspects, process changes, non-water quality environmental impacts).

2.6.1.1.1. The permittee must implement BMPs to minimize foam and scum produced by catch transfer water discharges, as required by Part 2.10.4.7.19.

2.6.1.1.2. Catch transfer water discharges that cause a violation of the Alaska WQS are prohibited discharges (Part 1.4.1.8).

2.6.1.1.3. The permittee must develop and implement mitigating BMPs if there are reoccurring sea surface residues violations at the facility (Part 2.2.5.5).

2.6.2. Monitoring and Reporting Requirements

2.6.2.1. Permittees discharging effluents from an outfall(s) other than the main seafood processing outfall (commingled or non-commingled) shall monitor the effluents as specified in Table 8. Each separate outfall shall be monitored prior to discharge. If the permittee only discharges from a single outfall (all discharges are commingled and monitored under Part 2.3 or Part 2.5), monitoring under Part 2.6 is not required.

2.6.2.2. Permittees must monitor catch transfer water discharged to a vessel per Table 8, at a location prior to discharge to the vessel(s).

Table 8: Other Outfall(s) Monitoring and Reporting Requirements (Outfall 004)

Parameter	Units [a]	Sample Frequency [f, g]	Reporting Requirements	Sample Type
Daily Flow	mgd	record daily	report for the day of pollutant monitoring	metered/estimated [e]
Monthly Flow	mgd	record daily	report monthly average	metered/estimated [e]
BOD_5	mg/L	monthly	report	composite / grab [b]
TSS	mg/L	monthly	report	composite / grab [b]
O&G	mg/L	monthly	report	grab
Settleable Solids	mL/L	monthly	report	grab
pH	SU	monthly	report	grab
Temperature [c]	° C	monthly	report	grab
Total Ammonia	mg-N/L	monthly	report	grab
Salinity	ppt	monthly	report	grab
Total Residual Chlorine (TRC) [d]	µg/L	monthly	report	grab

Notes:

a. Units: mgd = million gallons per day (24-hrs), mg/L = milligrams per liter, mL/L = milliliter per liter, µg/L = micrograms per liter, SU = standard units, ppt = parts per thousand, and °C = degrees Celsius
b. If the flow from the outfall is intermittent, grab samples that are representative of the waste stream flow may be taken. Otherwise, composite samples shall be taken, in accordance with the definition in Appendix C.
c. For thermal discharges, temperature must be taken and reported during the time of thermal discharge. In line temperature metering is acceptable.
d. Monitoring for chlorine required only if chlorine is used as a disinfectant, or introduced elsewhere in the seafood processing area. Compliance with the receiving water limits for total residual chlorine cannot be determined using EPA-approved analytical methods. DEC will use the 0.1 mg/L as the compliance limit for this parameter.
e. Catch transfer water flow discharged to vessels after offloading, and other flows that are intermittent, may be estimated instead of metered.
f. The permittee may request in writing that parameter monitoring frequencies be reduced to quarterly after one year of monitoring and reporting if results indicate no detections above applicable WQS. Monitoring reductions can only occur once written approval from the Department is received.
g. Catch transfer water monitoring under this table is only required to occur during the 2nd and 4th years of permit coverage. The catch transfer water monitored must be either from a salmon delivery or from a Pollock delivery, if one of those species is delivered during the month.

2.7. Receiving Water Quality Monitoring

2.7.1. Sea Surface and Shoreline Monitoring

2.7.1.1. During each day seafood processing effluent discharge occurs, the permittee shall visually inspect the shoreline and receiving water immediately surrounding the facility and outfalls and record observations on a daily log (see Attachment B as an example). These logs may be kept electronically instead of hard copy and must be made available to DEC upon request. The daily visual inspection shall include the shoreline (the intersection of the water's surface with land or manmade structures on any given tide cycle) and the readily-visible receiving water area. The area above the point of discharge (outfall terminus) should be included in the daily visual survey if it is within the readily-visible receiving water area.

2.7.1.1.1. The readily-visible receiving water is defined as the receiving water area that a shore-based observer can see, and it varies with weather (e.g., fog) and sea conditions

(waves). As a result, the extent of the readily-visible receiving water area should be noted as part of each daily monitoring event.

2.7.1.2. The permittee's selected observation site shall allow the permittee's personnel to visually observe the receiving water and the surface of the water directly above each outfall terminus. If sea surface and shoreline observations cannot be accomplished by the permittee due to poor weather or rough sea conditions, the permittee shall note why observations could not be made. Visual inspections shall include:

2.7.1.2.1. Shoreline Observations – Inspect the facility's readily-visible shoreline areas and waters surrounding these areas, including harbors, boats, docks, and piers. Shoreline observations shall include any observations of seafood waste or residues depositing on the surfaces, encompassing a minimum of 100 feet to either side of the parcel lines along the shore. If the permittee does not own waterfront areas, shoreline monitoring observations shall be made from where the permittee can observe the area of the shoreline where the facility's discharge may typically reach the shoreline.

2.7.1.2.2. Sea Surface Observations - Inspect the readily-visible receiving water surrounding all outfall terminuses and docks, documenting all areas and sizes of sheens, films, foam, and scum observed. A log must be maintained for all sea surface observations. The observation spot chosen shall allow the personnel to see the water surfaces surrounding the different outfalls and the dock area(s).

2.7.1.2.3. Endangered and Threatened Species - The permittee shall have trained personnel[2] record the occurrence and approximate numbers of animals identified as Black-legged Kittiwake (*Rissa tridactyla*), Western Steller sea lions (*Eumetopias jubatus*), Steller's eiders (*Polysticta stelleri*), Short-tailed Albatross (*Phoebastria albatrus*), and Southwest Alaska Distinct Population northern sea otters (*Enhydra lutris kenyoni*) within the survey area.

2.7.1.2.3.1. Monitoring the survey area for the listed and endangered species shall include recording the number of injured and dead birds. The permittee shall report within 24 hours any instances of dead Steller's eiders found onsite to the USFWS Anchorage Field Office (1-800-272-4174). The permittee shall follow the latest USFWS protocol on recording dead birds. Handling dead or injured eiders is not recommended (Appendix F).

2.7.1.3. During each day seafood processing effluent discharge occurs, the permittee shall record the results of the daily residues visual inspections and observations, including the occurrence and estimated surface size and extent of any contiguous films, sheens, or mats of foam in the readily-visible receiving water area. The permittee's record must attempt to note where the film, sheen, or mats of foam are originating from (e.g., the facility's own outfall(s), a vessel currently at the facility, or a vessel no longer at the facility). If no films, sheens, mats, or foam are observed, a note of "none" shall be recorded on the daily log (see example Attachment B). Permittees may maintain records in their own electronic databases as long as all of the information required in this Part and on Attachment B is included. Logs must be maintained onsite and made available to DEC upon request.

2.7.1.4. The permittee shall record observations at various phases of the tide cycle during each calendar month.

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[2] Permittees shall ensure that there are personnel at the facility capable of identifying the listed endangered and threatened species.

2.7.1.5. The permittee shall capture representative digital photographs of the sea surface monthly while seafood wastewater discharge is occurring. Photographs shall be of sufficient clarity and detail to support the observations, shall represent what was observed, and must document positive sea surface residues observed if there were any that month. Photographs shall include a digital date and time stamp. A photograph log with the name of the person taking the photograph and a photograph description shall also be made. Photographs and the photograph log shall be maintained by the permittee for three years (see Permit Appendix A - Standard Conditions, Part 1.11) and made available to DEC upon request.

2.7.1.6. The permittee shall record whether any discharges are occurring from vessels at the facility during the sea surface observations.

2.7.1.7. A summary table of surface residues noncompliance shall be included in the Annual Report (Part 2.8).

2.7.2. **Seafloor Survey Study Requirements**

2.7.2.1. This permit does not authorize a zone of deposit.

2.7.2.2. The permittee must conduct seafloor surveys following the protocols and methodology established in Appendix E per the schedule established in Table 9. Seafloor surveys shall result in mapping any seafood waste deposits within, or directly adjacent to, all discharge location(s).

2.7.2.3. The Department may require additional or expanded seafloor surveys if it is determined that deposits are forming on the seafloor.

2.7.2.4. Each permittee shall develop a seafloor survey Quality Assurance Project Plan (QAPP), as found in Part 2.9.11 that includes a description of the methods and monitoring plan for the seafloor survey area.

2.7.2.5. A seafloor survey report (see Appendix E) shall be submitted to the Department with the Annual Report and include a copy of the seafloor survey QAPP, a statement that the QAPP has been implemented, and a description of any problems encountered or deviations from the QAPP.

2.7.2.6. Monitoring Schedule

2.7.2.6.1. The Initial Seafloor Survey (see Appendix E) shall be conducted during the last quarter of the year (October – December), in compliance with the schedule set out in Table 9. If the survey cannot be conducted within that timeframe due to weather, availability of surveyor services (provided there is documented evidence that survey services were requested greater than three months in advance of when the survey is due to be performed), or other reasons, the rationale shall be documented in the seafloor survey report.

2.7.2.6.2. Additional Seafloor Surveys are required every four years thereafter, if less than detectable seafood processing waste deposits were found in the Initial Seafloor Survey.

2.7.2.6.3. Annual Seafloor Surveys are required when any Seafloor Survey reveals seafood processing waste deposits greater than detectable in a three foot by three foot square sample plot.

2.7.2.6.4. In addition to fulfilling the reporting requirements in Appendix A, within 120 days of finding deposits greater than detectable the permittee must develop and submit an evaluation of source control and remediation options for Department review.

Table 9: Seafloor Survey Schedule

Survey Type [a]	Requirement	Sample Location	Survey Frequency and Requirements
Initial Seafloor Survey	Seafloor Survey	Seafloor area	Perform within one year of obtaining permit coverage. Dependent on initial seafloor survey results, subsequently either perform Additional Seafloor Survey or Annual Seafloor Surveys.
Additional Seafloor Survey If no detectable seafood processing waste found in Initial Seafloor Survey	Seafloor Survey	Seafloor area	Performed every four years
Annual Seafloor Surveys Required if Initial Seafloor Survey reveals detectable seafood processing waste deposits [b]	Seafloor Survey	Seafloor area	Surveys performed annually Evaluation of source control and remediation options developed once
Pre-Discharge Survey Installation of a new outfall location, or facility re-starting production after not operating for more than 12 months	Pre-Discharge Seafloor Survey	Proposed Discharge Area	Prior to discharging

Notes:

a. The seafloor surveys must be performed as established in the Appendix E Seafloor Survey protocol, or with other Department approved methodologies.
b. The permit does not authorize a zone of deposit. If a deposit is found to be above detectable in any 3-foot by 3-foot square sample plot within the mapped survey area, annual seafloor surveys and an evaluation of source control and remediation options are required.

2.7.3. **Receiving Water Quality Monitoring**

2.7.3.1. A permittee shall conduct water quality monitoring in accordance with the monitoring frequencies established in this Part.

2.7.3.2. Table 10 lists the monitoring requirements that must occur in the second and fourth years of permit coverage.

2.7.3.3. Monitoring is required to occur during the month(s) of highest average seasonal seafood processing.

2.7.3.4. The twice annual sampling events shall be representative of both peak salmon season and peak "Pollock Season A" production.

2.7.3.5. Receiving water quality samples are to be collected a minimum of four weeks apart.

2.7.3.6. Based on sea surface monitoring conducted under Part 2.7.1, monitoring samples are required to be collected within any identified areas of contiguous films, sheens, or mats of foam. If such areas are not identified, monitoring samples must be collected tidally downgradient from the outfall terminus. Monitoring must be performed as follows:

2.7.3.6.1.1. Oil and Grease (O&G) – Oil and Grease monitoring is required at three locations:

2.7.3.6.1.1.1. At mid-depth and at the surface within the sea surface residues area; and

2.7.3.6.1.1.2. At a location where effluent residuals typically wash up or settle on the shoreline or other man made surfaces, if any. These samples shall be taken approximately one hour after reaching high tide (i.e., as the tide begins to recede). Personnel must attempt to collect a representative sample of any floating residuals.

2.7.3.6.1.2. Dissolved Oxygen – Dissolved oxygen monitoring is required at three locations.

2.7.3.6.1.2.1. Within the sea surface residues area, collected within six inches of the surface, at mid-depth, and at a depth no greater than 12 inches from the seafloor.

2.7.3.7. For all other monitoring parameters, sampling shall be conducted at a representative location in the ambient receiving water not under the influence of any permittee's discharge.

2.7.3.7.1. A monitoring station(s) must be established by the permittee in the receiving water at a background station at a point representative of the quality of the receiving water, not influenced by any facility's discharge, collected at mid-depth.

2.7.3.7.2. The permittee must seek written approval of the receiving water monitoring station from DEC at least 90 days prior to commencing receiving water monitoring.

2.7.3.7.3. The sampling points shall be marked on a map clearly identified by coordinates in decimal degrees (reported in NAD83). The accuracy of coordinates shall be at least within ±30 feet. The map is required to be submitted with the Annual Report (Part 2.8).

2.7.3.8. Monitoring results must be reported with the Annual Report (Part 2.8) for the year the monitoring is performed. The table shall include the date and time of the sample, effluent parameters sampled, and the monitoring data.

2.7.3.9. In accordance with 18 AAC 70.240, as amended through March 23, 2006, DEC may authorize mixing zone(s). Permittees may request mixing zones for specific parameters, pursuant to 18 AAC 70.240(a), by submitting Form 2M. Mixing zone requests must also include Form 2G.

2.7.3.9.1. DEC will approve modified effluent limits and mixing zone(s) if the modified limits and resulting mixing zone(s) are consistent with the CWA and the mixing zone criteria at 18 AAC 70.240. The burden of proof for justifying a mixing zone rests with the applicant.

2.7.3.9.2. For permittees authorized a mixing zone, the point of compliance with applicable water quality standards is at the boundary of the authorized mixing zone. DEC may require additional monitoring in the permittee's authorization to discharge.

2.7.4. Option for Collective Receiving Water Quality Monitoring

2.7.4.1. A permittee may participate in collective receiving water quality monitoring under Part 2.7.4 in lieu of conducting the receiving water quality monitoring that would otherwise be required under Part 2.7.3.

2.7.4.2. In order to participate in collective receiving water quality monitoring, a group of permittees shall:

2.7.4.2.1. Develop a work plan for receiving water quality monitoring that achieves the objectives of the monitoring required under Part 2.7.3.

2.7.4.2.2. Seek written approval of the receiving water quality monitoring work plan from DEC at least 90 days prior to commencing receiving water quality monitoring.

2.7.4.2.3. Conduct monitoring and reporting in accordance with the work plan, if approved.

Table 10: Receiving Water Quality Monitoring

Parameter	Units	Sample Frequency [a]	Reporting Requirement	Sample Type
Color	Color unit	2 per year	report	grab
O&G	mg/L	2 per year	report	grab
Turbidity	NTU	2 per year	report	grab
Total ammonia [b]	mg-N/L	2 per year	report	grab
Dissolved Oxygen	mg/L	2 per year	report	grab
pH [b]	SU	2 per year	report	grab
Temperature [b]	º C	2 per year	report	grab
Salinity [b]	ppt	2 per year	report	grab
Total Residual Chlorine (TRC)	µg/l	2 per year	report	grab

Notes:

a. Samples shall be taken during the 2nd and 4th years of permit coverage, twice per year.
b. Ammonia, pH, salinity, and temperature shall be analyzed from the same, single grab sample.

2.8. Annual Report

2.8.1. The permittee shall prepare complete, accurate, and timely Annual Reports of incidents of noncompliance, production and discharge information, and inspections and monitoring information collected January 1 through December 31 of the previous year.

2.8.2. Annual Reports shall be submitted no later than March 15 of the following year. An example Annual Report Form has been provided as Attachment D.

2.8.3. The following information shall be included in the Annual Report:

2.8.3.1. Verification of the permittee's APDES authorization number, company name, facility name, the name or title of any duly authorized representative (if there is one), mailing address, telephone number(s), email address, and facsimile number.

2.8.3.2. Summary Reports, as applicable, including:

2.8.3.2.1. Seafood Production Summary Report. The permittee shall include Attachment D-1, indicating the amounts of seafood processed on each commodity line during the monthly reporting periods as well as calculations and pollutant loading results (lbs/1,000 lbs seafood commodity processed) for applicable pollutants (e.g., BOD_5, O&G, TSS).

2.8.3.2.2. A copy of the Seafloor Survey Report (Attachment C, or other format containing all required information).

2.8.3.2.2.1. Summary of outfall system inspection (Part 2.2.6).

2.8.3.2.3. Summary of receiving water monitoring results and accompanying map of monitoring locations.

2.8.3.2.4. Summary of monthly sea surface and shoreline monitoring photographs, with an accompanying photograph log.

2.8.3.2.5. Summary report of any injured or dead animals observed under Part 2.7.1.

2.8.3.2.6. Summary of incidents of noncompliance. Include the reasons for such noncompliance, corrective actions, and preventative steps taken.

2.8.3.2.7. Summary of noncompliance and corrective actions for Sea Surface and Shoreline Monitoring observations, as recorded under Part 2.7.1. The written summary shall contain:

2.8.3.2.7.1. A description of each noncompliance and its cause,

2.8.3.2.7.2. The period of noncompliance, including exact dates and times,

2.8.3.2.7.3. The estimated time noncompliance is expected to continue through if it has not been corrected, and

2.8.3.2.7.4. Corrective actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2.8.3.2.8. Summary of any occurrences of leaks or breaks in the refrigeration/freezer systems that led to discharges to receiving waters, and how the accidental or emergency release was reported. Provide a summary of the type of refrigerant discharged along with the corresponding number of times discharged, approximate number of pounds discharged, and accompanying pH for each discharge event. The purposeful discharge of these substances without first monitoring the pH is prohibited.

2.8.3.3. A list of chemicals, biocides, disinfectants, cleaners, and food processing additives (salts, acids, bases, enzymes, etc.) that are used and discharged during the annual reporting period.

2.8.3.4. If any substances found in Part 2.8.3.3 are not used per the manufacturer's recommended use and application rates, if any, the permittee shall provide the following information:

2.8.3.4.1. Product intended use,

2.8.3.4.2. Total annual amount used,

2.8.3.4.3. Dilution ratio during use, if any.

2.9. Quality Assurance Project Plan (QAPP) and Quality Control

2.9.1. The permittee shall operate in accordance with the QAPP for any permit-required monitoring and any additional voluntary monitoring performed.

2.9.2. The permittee must develop and implement a facility-specific QAPP for all monitoring required by this permit. The QAPP must be developed and implemented within 60 days of receiving authorization under this general permit, except as established in Part 2.9.11. Any existing QAPP may be modified under this Part. All procedures in previous QAPPs must be followed until the new QAPP has been implemented.

2.9.3. A permittee shall document annual review of their QAPP. The permittee shall review the QAPP whenever process changes or changes in monitoring plans occur.

2.9.4. The permittee must amend the facility-specific QAPP whenever sample collection, sample analysis, monitoring parameter(s), or other procedures addressed by the QAPP are modified.

2.9.5. The QAPP shall be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and to help explain data anomalies whenever they occur.

2.9.6. The permittee may use either the generic DEC QAPP or develop a facility-specific QAPP. Some facility-specific information is still required in order to complete the QAPP when using the generic DEC QAPP. A generic DEC QAPP is located at http://dec.alaska.gov/water/water-quality/quality-assurance/.

2.9.7. Throughout all sample collection and analysis activities, the permittee must use DEC-approved Quality Assurance/Quality Control and chain-of-custody procedures, as described in the *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5, March 2001) at https://www.epa.gov/sites/production/files/2016-06/documents/r5-final_0.pdf and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5, December 2002) at https://www.epa.gov/sites/production/files/2015-06/documents/g5-final.pdf. The QAPP must be prepared in the format specified in these documents.

2.9.8. A copy of the QAPP must be kept onsite and made available to DEC upon request.

2.9.9. At a minimum, the QAPP shall include:

2.9.9.1. Details on number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

2.9.9.2. Monitoring schedule and shipping requirements to ensure samples arrive within holding times. Instructions for performing repeat sampling (within the required sampling period) if samples do not arrive at the lab within required holding times.

2.9.9.3. Maps indicating the location of each sampling point.

2.9.9.4. Qualification and training of monitoring personnel.

2.9.9.5. Name, address, and telephone number of all laboratories used by or proposed to be used by the permittee.

2.9.9.6. A monitoring plan for washed mince / washed paste, if processed at the facility, that:

2.9.9.6.1. Identifies how the permittee determines when each washed mince / washed paste seafood production cycle is discharging to determine representative sample collection.

2.9.9.6.2. Documents methods to ensure the internal monitoring location's sampling is representative of the waste stream flow.

2.9.10. Sea Surface and Shoreline Monitoring. Develop specific QAPP monitoring instructions for the observer to document the occurrence and estimate the size of any films, sheens, or mats of foam.

2.9.11. Seafloor Survey QAPP. The Seafloor Survey QAPP shall be developed at least 30 days prior to the Seafloor Survey being performed. The Seafloor Survey QAPP shall ensure that adequate documentation is available to allow reconstruction of a seafloor survey from field records and notes, survey plans, and still and video photography. At a minimum, the Seafloor Survey QAPP shall include:

2.9.11.1. Delivery and archiving of seafloor survey results using field records and notes, survey plans, digital images, and video photography.

2.9.11.2. Establishing survey location controls.

2.9.11.3. Measuring seafood waste thickness.

2.9.11.4. Determining percent seafood waste coverage.

2.9.11.5. Photographic procedures.

2.9.11.6. Measuring water depth and tide stage.

2.10. Best Management Practices (BMP) Plan

2.10.1. The permittee shall develop, implement, and operate in accordance with a BMP Plan within 60 days of obtaining permit coverage.

2.10.2. The permittee shall review the BMP Plan whenever process changes occur. At a minimum, the permittee shall document annual review of their BMP Plan.

2.10.3. The BMP Plan shall be developed in accordance with good engineering practices and the objectives described herein. The plan shall be consistent with the general guidance contained in the publication entitled "Guidance Manual for Developing Best Management Practices" (EPA 1993) or its subsequent revisions and "Seafood Processing Handbook for Materials Accounting Audits and Best Management Practices Plans, EPA and Bottomline Performance" (1995).

2.10.4. The BMP Plan must include the following information and management practices at a minimum:

2.10.4.1. Name and physical location of the seafood processing facility.

2.10.4.2. Facility plans, drawings, or maps.

2.10.4.3. Statement of BMP Policy. The BMP Plan shall include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.

2.10.4.4. Statement of BMP Purpose. The BMP Plan's purpose statement shall include a statement consistent with the following:

2.10.4.4.1. Through implementation of its BMP Plan, the purpose of this plan is to:

2.10.4.4.1.1. Prevent and minimize the generation and discharge of wastes and pollutants from the facility to receiving water.

2.10.4.4.1.2. Prevent or reduce pollution at the source.

2.10.4.4.1.3. Recycle potential pollutants in an environmentally safe manner whenever feasible.

2.10.4.4.1.4. Ensure the discharge of pollutants into the environment be conducted in such a way as to have a minimal environmental impact.

2.10.4.5. Statement of BMP Objectives. The BMP Plan shall be consistent with the following objectives for the reduction and control of pollutants in waste and wastewaters resulting from seafood processing, including from the production of washed mince and washed paste:

2.10.4.5.1. Reduce and minimize the number and quantity of material generated, discharged, or potentially discharged at the facility to reduce pollutant loading by managing waste streams, including washed mince and washed paste waste streams, and implementing source control strategies where practicable. Strategies may include by-product production strategies or pollutant removal strategies where no product is produced but reduction of pollutant loading occurs.

2.10.4.5.2. Establish or reference standard operating procedures for the proper operation and maintenance of pollution control systems, in accordance with good engineering practices.

2.10.4.5.3. Each facility component or system shall be examined for its waste and pollutant minimization opportunities and its potential for pollutant loading to waters of the U.S., such as:

2.10.4.5.3.1. Removing pollutant loading earlier in process waste stream transport,

2.10.4.5.3.2. Evaluating and implementing waste and wastewater treatment options,

2.10.4.5.3.3. Preventing equipment failure, including refrigeration Freon/ ammonia leaks or improper operation, and

2.10.4.5.3.4. Examining all normal operations and ancillary activities, including:

2.10.4.5.3.4.1. Material storage areas – Identify how chemicals and additives used for washed mince / washed paste, if any, are stored in the facility to reduce pollutant loading.

2.10.4.5.3.4.2. Consider ways to reduce pollutant loading passing through currently installed screening technologies that may result in water quality violations.

2.10.4.6. Risk Identification and Assessment. The BMP Plan must ensure the facility performs risk assessment by implementing procedures for:

2.10.4.6.1. Reviewing existing materials and plans as a source of information to ensure consistency and to eliminate duplication.

2.10.4.6.2. Characterizing actual and potential pollutant sources that might be subject to release.

2.10.4.6.3. Evaluating potential pollutants based on the hazards they present to human health and the environment.

2.10.4.6.4. Identifying pathways through which pollutants identified at the site might reach environmental and human receptors.

2.10.4.6.5. Prioritizing potential releases.

2.10.4.7. Specific Management Practices and Standard Operating Procedures. These include but are not limited to:

2.10.4.7.1. The modification of equipment, facilities, technology, processes and procedures.

2.10.4.7.2. Verification that any proposed changes to waste treatment systems will have obtained necessary DEC engineering review.

2.10.4.7.3. The improvement in management, inventory control, materials handling, or general operational phases of the facility.

2.10.4.7.4. Reducing or eliminating any discharge of wastes that have the potential to collect and foul any set or drift nets used in subsistence or commercial fisheries in nearby traditional use areas.

2.10.4.7.5. Descriptions and methods for the proper operation and maintenance of the screening system and outfall pumps.

2.10.4.7.6. For all facilities, develop procedures to inspect and record inspections of seafood waste treatment system(s) and outfall(s) (Part 2.2.6).

2.10.4.7.6.1. Develop methods to monitor flow volumes (mgd) for commingled outfalls.

2.10.4.7.6.2. Develop methods to monitor flow volumes for all outfalls other than the main seafood processing outfall, if not included in Part 2.10.4.7.6.1.

2.10.4.7.7. Until flow meters are installed, where flow volumes are estimated, the method(s) and calculation used to determine daily and monthly flow volumes (mgd), including methods to document revisions in order to accurately report permit limit calculations that include flow.

2.10.4.7.8. Material accounting of the inputs (water, raw seafood products, chemicals, etc.), processes, and outputs (seafood processing wastes and wastewaters, chemicals, etc.) of the facility flow of water, waste, and wastewater submitted with the NOI and other information required in Part 1.5. Materials accounting is used to trace the inflow (i.e., water to be used for processing + transfer water + whole seafood product) through the seafood processing steps and outflow (i.e., seafood processing wastewater + non-process wastewater + marketed seafood product + by-products + process wastes) and to establish quantities of these components. Identifying and measuring the key components for a process is the basis for conducting materials accounting audits.

2.10.4.7.9. Minimization and plans to ensure that chlorine, other disinfectants, degreasers, defoaming agents, or other chemical products used at the facility will not cause exceedances of the WQS.

2.10.4.7.10. Descriptions and methods for each facility component or system that shall be examined for its pollutant minimization opportunities and its potential for causing a release of significant amounts of pollutants (which includes seafood waste and wastewaters) to receiving waters due to the failure or improper operation of equipment. The examination shall include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, by-product production areas, loading or unloading operations, wastewater treatment areas, sludge and seafood processing waste and wastewater discharge areas, floor drains, and refueling areas.

2.10.4.7.11. Description of the equipment which shall be examined for potential failure and reporting of any resulting release of untreated pollutants to receiving waters. Provision shall be made for emergency measures to be taken in such an event.

2.10.4.7.11.1. Description of methods to identify outfall condition and methods to identify leaks and breaks and the remaining cathodic protection life during the seafloor survey found in Part 2.7.2. Inspection techniques such as pressure testing, visual, ROV, dye testing, or diver inspection are allowed.

2.10.4.7.12. Description of practices and training for staff to identify and ensure that all process and non-process wastewaters, those waters coming in contact with seafood processing, are properly routed through the seafood waste treatment system, or treated and monitored if discharged through an outfall as discussed in Part 2.6.

2.10.4.7.13. Identify and develop methods to prevent, treat, or minimize the generation and discharge of pollutants in by-product production effluents, including stickwater, at the source to the greatest extent practicable. Description and methods for backup disposal treatment method(s) if by-product wastewater treatment system fails (Part 2.5.3). Stickwater shall be recycled and treated to the greatest extent practicable, in an environmentally safe manner, whenever feasible.

2.10.4.7.14. Pollution prevention and minimization measures at the transfer point(s) of raw seafood to the processing facility.

2.10.4.7.15. Develop methods to examine facility cleaning and sanitizing practices, and, where appropriate, select cleaning and disinfectant chemicals and compounds that minimize the addition of nitrogen and phosphorous-based chemical pollutants to the wastewater discharge.

2.10.4.7.16. Apply chemical cleaning compounds and disinfectants in accordance with manufacturer instructions and suggested application rates.

2.10.4.7.17. Practices for the proper operation, maintenance, and purging of ammonia or other chemical-based refrigerant and freezer systems. If the permittee references other documents to comply with this requirement, the permittee shall keep a copy of the document with this permit's BMP Plan. The BMP Plan or other documents shall include and implement:

2.10.4.7.17.1. Methods to direct purged wastewaters to the seafood processing waste treatment system.

2.10.4.7.17.2. The facility's approach for minimizing and treating discharged refrigerants, including:

2.10.4.7.17.2.1. How maintenance and purging practices are to be performed at the facility.

2.10.4.7.17.2.2. How repair wastewaters are handled and treated prior to discharge, which must address:

2.10.4.7.17.2.2.1. Determination that the pH is between 6.5 – 10.0 SU, and maintaining a log of pH readings, prior to commingling with processing water for discharge.

2.10.4.7.17.3. How the facility plans to mitigate and report accidental or emergency releases which are not authorized by the permit.

2.10.4.7.18. Methods developed and implemented to ensure attractive nuisance conditions are not created and seafood processing wastes and wastewaters do not cause nuisance or objectionable conditions. Response procedures and corrective actions if nuisance or objectionable conditions are reported to the permittee.

2.10.4.7.19. Practices to minimize incidental foam and scum produced by the discharge of seafood waste and wastewaters, as well as seafood catch transfer water, to the extent practicable, including the modification of equipment, facilities, technology, processes, and discharge procedures to be used to decrease the formation of foam and scum.

2.10.4.7.20. Good housekeeping. Describe the facility objectives and maintenance of a clean, orderly work environment. Maintaining an orderly facility means that materials and equipment are neat and well-kept to prevent untreated pollutant releases to the environment. If the permittee references other documents to comply with this requirement, the permittee shall keep a copy of the document with this permit's BMP Plan.

2.10.4.7.21. Preventative maintenance. Describe maintenance which includes periodically inspecting, maintaining, and testing seafood processing facility equipment and systems to uncover conditions that can cause breakdowns or failures. Preventative maintenance focuses on preventing untreated pollutant releases to the receiving water. If the permittee references other documents or SOPs to comply with this requirement, the permittee shall keep a copy of the document(s) and/or SOPs with this permit's BMP Plan.

2.10.4.7.22. Documentation of inspection, record keeping, and employee training pertaining to the BMP Plan.

2.10.4.7.23. Fuel Transfer Procedures. Describe vessel fuel-transfer activities. Ensure procedures comply with all federal and state regulations for the prevention of, preparedness for, and response to oil discharges, including:

2.10.4.7.23.1. Spill response procedures,

2.10.4.7.23.2. Storage of adequate oil and fuel clean-up equipment at the facility, on-board, and at fuel transfer locations.

2.10.4.7.24. Development of educational materials to provide to vessels discharging fish hold water, live tank water, refrigerated seawater, brine, or other effluents at the facility. Topics to be covered could include, but are not limited to:

2.10.4.7.24.1. Minimizing washing any residual solids into receiving waters while dockside, pier-side, or stationary.

2.10.4.7.24.2. Routing wastewaters accepted into the permittee's facility to the seafood waste treatment system or other treatment systems prior to discharge to remove solids.

2.10.4.7.24.3. Following the manufacturer's directions and disposal recommendations while using degreasers and defoamers. Using non-toxic degreasers and defoamers.

2.10.4.7.24.4. Selecting soaps and detergents that are phosphate-free, non-toxic, and do not lead to extreme shifts in receiving water pH. Using soaps and detergents that are free from toxic and bioaccumulative compounds.

2.10.4.7.24.5. Not discharging or placing any toxic or hazardous materials or related residuals into vessel discharge systems (e.g., laundry units, kitchen sinks, dishwashers, drains, sinks, showers, bath, etc.).

2.10.4.7.24.6. Not discharging or placing unused soaps, detergents, or pharmaceuticals into the discharge systems (e.g., laundry units, kitchen sinks, dishwashers, drains, sinks, showers, bath, etc.).

2.10.4.7.24.7. Minimizing the discharge of bilge water within the critical habitat area, unless it is for documented safety reasons, and using of oil/water separators prior to discharge.

2.10.5. BMP Plan Review. The BMP Plan shall include the following provisions concerning its review:

2.10.5.1. Annual Review. At a minimum, be reviewed annually by the facility manager and appropriate staff.

2.10.5.2. Include a statement that a review has been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement shall be signed and dated by the facility manager.

2.10.5.3. The permittee shall review, and revise if necessary, the BMP Plan whenever there is a change in the seafood processing facility or in the operation of the seafood processing facility which materially increases the generation of pollutants and their release or potential release to the receiving water.

2.10.5.4. At any time, if a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release, including but not limited to the situations referenced in Part 2.2.5.5 and Part 2.7.2.6.4, the BMP Plan shall be modified to incorporate revised BMP requirements.

2.10.6. If multiple parties discharge out a single outfall line, a single BMP Plan may be used if each discharger's authorized agent reviews and signs the BMP Plan and the plan clearly identifies each discharger's individual inspection and compliance permit responsibilities, including individual BMP implementation strategies. A single responsible party will be identified in the BMP Plan who ensures permit compliance, including verifying required permit monitoring is performed and who is responsible for submitting the Annual Report.

2.10.7. BMP Availability. The permittee shall maintain a copy of the BMP Plan at the seafood processing facility and shall make the plan available to DEC upon request.

2.10.7.1. All business offices and operational sites of the permittee(s) are required to maintain a copy of this permit and authorization and shall also maintain a copy of the BMP Plan and make it available during authorized inspections upon request.

Department of Environmental Conservation
Response to Comments

For

Seafood Processors Operating Onshore Facilities in Kodiak, Alaska General Permit

APDES Permit No. AKG528000

Public Noticed September 13, 2019 – November 13, 2019

September 30, 2020
(Revised December 15, 2020)

Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

1 Introduction

1.1 Summary of Facility / Permit

The Alaska Department of Environmental Conservation (DEC or the Department) proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) general permit to operator(s) or owner(s) of onshore seafood processing facilities located in Kodiak, Alaska that discharge seafood processing waste and wastewater to waters of the U.S. The permit authorizes discharges to several receiving waters, including Kodiak Harbor, St. Paul Harbor, Gibson Cove, Near Island Channel, Women's Bay, and Woody Island Channel. The permit is the reissuance of AKG528000, previously issued on March 16, 1998.

In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged from these facilities, outlines best management practices (BMPs) to which the facility must adhere, and requires effluent and receiving water monitoring. Applicants may also request mixing zones for each outfall.

1.2 Opportunities for Public Participation

DEC proposed to reissue an APDES wastewater discharge general permit, *Seafood Processors Operating Onshore Facilities in Kodiak, Alaska General Permit*. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- identified the permit on the annual Permit Issuance Plan posted online at: http://dec.alaska.gov/water/wastewater.aspx
- notified potentially affected tribes and local governments that the Department would be working on this permit via letter, fax, and/or email on March 15, 2018
- posted a preliminary draft of the permit online for a 10-day applicant review March 22, 2019 and notified tribes, local government(s) and other agencies
- formally published public notice of the draft permit on September 13, 2019 in the Anchorage Daily News and the Kodiak Daily Mirror and posted the public notice on the Department's public notice web page
- formally published an extension of the public notice period for the draft permit on October 1, 2019 in the Anchorage Daily News and the Kodiak Daily Mirror and posted the public notice extension on the Department's public notice web page
- posted the proposed final permit online for a 10-day applicant review on February 24, 2020
- sent email notifications via the APDES Program Listserv when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from five interested parties on the draft permit and supporting documents. The Department requested comment from the Department of Natural Resources (DNR), the Alaska Department of Fish and Game (ADF&G), the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Environmental Protection Agency (EPA). The Department did not receive comments from any government agencies.

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

1.3 Final Permit

The final permit was adopted by the Department on September 30, 2020. There were changes from the public noticed permit. Significant changes are identified in the response to comments and reflected in the final fact sheet for the permit.

2 General Comments

2.1 Comment Summary

Comment was received that some of the processing facilities in Kodiak would be more appropriately regulated by an individual permit instead of a general permit.

Response:

As discussed in the Fact Sheet Part 1.1, the Department determined under 18 AAC 83.205 that the Kodiak processing facilities are more appropriately controlled under a general permit than under individual permits.

There were no revisions to the permit documents based on this comment.

2.2 Comment Summary

Comment was received requesting a 24-month grace period to allow permittees to come into compliance with the permit's monitoring and reporting requirements. Comment was also received requesting that the Department set the final permit effective date to allow sufficient time for the mixing zone evaluation process to be completed prior to the effective date.

Response:

The Department will not allow a blanket grace period for permittees to come into compliance with the permit after issuance, but there will be a gap (delayed implementation) between the final permit issuance date and the effective date. Currently-covered permittees are required to submit a complete Notice of Intent (NOI) application by the effective date of the permit to continue coverage under this permit. Permittees may submit their NOI applications prior to the permit effective date to begin the mixing zone evaluation process.

There were no revisions to the permit documents based on these comments.

3 Discharges Covered or Not Covered, Notice of Intent (Part 1.2 – Part 1.4, Part 1.6)

3.1 Comment Summary

Comment was received that the discharge outfall types on the permit cover page are not consistent with the covered discharge types listed in Part 1.2. The commenter requested that outfall numbers correspond to the covered discharges in Part 1.2 and be used consistently throughout the permit.

Response:

It is not the Department's intent for the outfall types on the cover page and the covered discharge types to correspond one-to-one. The outfall types (and numbers) on the cover page correspond to Table 3 – Table 8, which list the monitoring requirements for each outfall type. The numbering associated with each outfall type (and cross-referenced in the applicable table titles) is already consistent throughout the permit. The Department will review each facility's NOI for the covered discharges disposed of through each outfall and categorize the outfalls by the cover page outfall types, then assign each outfall a unique label in the written authorization to discharge. If there is more than one outfall at a facility corresponding to a single outfall number/type as listed on the permit cover page, outfalls will be differentiated by letters. For example, a facility may have multiple outfalls that fit into the type "Other Outfalls," listed on the cover page as Outfall 004. In that case, retort cooling water may be assigned the label Outfall 004A and catch transfer water (discharged other than through the main seafood processing outfall) may be assigned the label Outfall 004B.

There were no revisions to the permit documents based on this comment.

3.2 Comment Summary

Comment was received that Part 1.2 combines several discharge types with different effluent characteristics into single categories. The commenter requested that the discharge types under Part 1.2.1 be separated into separate categories, similar to how wastewater discharges from macroalgae processing and non-process wastewaters are listed out separately (as Part 1.2.2 and Part 1.2.3, respectively).

Response:

It is not the Department's intent for the Part 1.2 subparts to fully separate each covered discharge into each individual component of that waste stream that may have effluent characteristics different than other components of that waste stream.

There were no revisions to the permit documents based on this comment.

3.3 Comment Summary

Comment was received that EPA does not approve disinfectants but rather registers them. The comment also noted that there are both state and federal food sanitation requirements, not just federal.

Response:

The permit language in Part 1.2.1.2 was clarified as suggested. The incorporated revisions are specified as follows (additions are underlined).

Part 1.2.1.2: Cleaning, disinfectant, and defoaming agents used in seafood processes where the permittee follows the manufacturer's use and disposal recommendations. This includes the use of ~~Environmental Protection Agency (EPA) approved~~ disinfectants added to wash down water to meet ~~Food and Drug Administration (FDA) sanitary conditions~~ applicable state and federal sanitation standards by facilitating waste removal while processing or sanitizing seafood processing areas.

3.4 Comment Summary

Comment was received requesting that the information outlined in the Fact Sheet Part 1.5.1 be incorporated into the permit to clarify that commingling seafood processing waste and wastewaters with industrial storm water is allowed as long as the commingled effluent stream is treated (screened) as required.

Response:

Part 1.3.6.1 and Part 1.3.6.2 were edited to specify that such commingling of waste streams is allowed. The AKG528000 permit only covers the seafood processing waste and wastewaters portion of such commingled effluent streams. Permittees choosing to commingle would still need to evaluate whether coverage under the APDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activity was needed for the industrial storm water portion of the commingled effluent stream. The incorporated revisions are specified as follows (additions are underlined).

Part 1.3.6.1: If the facility discharges industrial storm water to waters of the U.S., alone or commingled with seafood processing waste and wastewaters, the permittee shall determine whether the facility ~~needs to obtain~~ requires coverage under the APDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activity. The permittee shall identify the MSGP authorization number on the AKG528000 NOI (Part 1.6.2.6) or identify that the permittee has filed a MSGP No Exposure Certification.

Part 1.3.6.2: Discharge of commingled industrial storm water and seafood processing waste and wastewaters is allowed only if all commingled wastewaters are treated to 1.0 mm or less, per Part 2.2.5.2.

3.5 Comment Summary

Multiple comments were received regarding the prohibition on discharging waste and wastewaters from spoiled seafood. Commenters requested a clearer definition of what was considered spoiled seafood prohibited for discharge and also noted that discharging wastewaters associated with any form of product (spoiled or not) should be allowed as long as all permit conditions (effluent limits) are still met (all discharges are required to meet the pH limit of 6.5 – 8.5 SU).

Response:

The language was clarified in Part 1.4.1.1 and Part 1.4.1.2 to reflect that the prohibitions on discharge apply to "putrid, raw (non-processed) seafood" and also to "contaminated or unsold interim or finished seafood by-products (e.g., hydrolysate, fish meal, fish oil)." The definition of "spoiled seafood" in Appendix C was edited to encompass all of these materials. References to wastewaters associated with these materials were removed from the permit's discharge prohibitions list and from the Appendix C spoiled seafood definition, as the Department determined that the discharge of wastewaters associated with spoiled seafood is not necessarily an upset condition unless that discharge causes exceedance of the permit's effluent limit(s). The incorporated revisions are specified as follows (additions are underlined).

Part 1.4.1.1: Discharge of ~~spoiled seafood, or associated discharge of waste or wastewaters from~~ putrid, raw (non-processed) seafood. ~~putrid, contaminated, or unusable raw (non-processed) seafood.~~

Part 1.4.1.2: Discharge of contaminated~~, spoiled,~~ or unsold interim or finished seafood by-products (e.g., hydrolysate, fish meal, fish oil).

Appendix C: Spoiled seafood ~~waste and wastewaters~~ means ~~those wastes and wastewaters associated with~~ putrid, raw (non-processed) seafood ~~fish and other aquatic animals which had previously been intended for seafood processing~~, or contaminated or unsold interim or finished seafood by-products (e.g., hydrolysate, fish meal, fish oil) ~~and spoiled or unsold, hydrolysate, fish meal, fish oil~~.

3.6 Comment Summary

Multiple comments were received regarding the requirement to complete an antidegradation analysis to apply for a mixing zone. Comments included that the Tier 2 analysis is triggered by a new or expanded "discharge" (not a parameter), that it is inappropriate to specify a priori that the antidegradation analysis required will be Tier 2, and that 18 AAC 70.016(c)(3) provides some exclusions from a Tier 2 analysis.

Response:

When developing a permit, if the discharge will lower or potentially lower water quality of Tier 2 waters, the Department will conduct a Tier 2 antidegradation analysis for new or expanded discharges. A Tier 2 analysis is on a parameter-by-parameter basis. The definition of "new or expanded discharge" means, among other things, discharges that are regulated for the first time. Part 1.6.2.7.1 was clarified to reflect that the Tier 2 antidegradation analysis is required "for parameter(s) determined by the Department to meet the definition of new or expanded, including all parameters regulated for the first time." The Fact Sheet Part 4.5 was edited to explain that "Regulated for the first time for the permit means a parameter that has an effluent limit which is not included in the general permit upon the effective date." A parameter limited for the first time under the reissued permit (with water-quality based effluent limits associated with mixing zones that are higher than the water quality standards) represents an increase from a previously unpermitted parameter load or concentration, and these parameters do lower water quality. Therefore, a complete antidegradation analysis for each requested mixing zone parameter, including the range of practicable alternatives that have the potential to prevent or lessen the degradation associated with the proposed discharge [18 AAC 70.016(c)(4)], is required.

4 General Requirements, Part 2.2

4.1 Comment Summary

Comments were received requesting a 24-month time period allowance for the installation of flow meters and totalizers at existing facilities on all outfalls, including the main seafood processing outfall.

Response:

The only outfall that the permit requires to have a flow meter and totalizer installed as of the effective date of the permit is the main seafood processing discharge outfall (Part 2.2.1.2). Since flow through this outfall is required to calculate compliance with the numeric effluent limitation guidelines (ELGs) in the permit (Table 3 and Table 6), it is essential to have accurate flow data in order to evaluate and track permit compliance. Given the delayed permit effective date, the Department determined that it is reasonable to require that existing facilities have a flow meter and totalizer installed on their main seafood processing outfall line by the permit effective date.

There were no revisions to the permit documents based on these comments.

4.2 Comment Summary

Comment was received requesting that language be added to the permit allowing permittees to estimate flow during periods when flow meters are not functional.

Response:

It is the permittee's responsibility, as described in Appendix A – Standard Conditions Part 1.6, to ensure that proper operation and maintenance is conducted in a way that achieves compliance with the conditions of the permit.

There were no revisions to the permit documents based on this comment.

4.3 Comment Summary

Comment was received requesting revising Part 2.2.4.2 to begin monitoring and effluent limitations 60 days after a facility receives authorization to discharge, instead of upon the effective date of the permit. This change was suggested to align the start of monitoring with the date when permittees must have their Quality Assurance Project Plan (QAPP) implemented, so that permittees would have a QAPP compliant with the reissued permit in place in time to begin conducting the required monitoring.

Response:

Since there will be a gap between the permit issuance and effective date, there should be sufficient time for existing permittees to modify their QAPP to be compliant with the new permit requirements by the effective date of the permit. If not, though, permittees shall follow procedures in the facility's previous permit-required QAPP until the modified QAPP has been implemented (per Part 2.9.2).

There were no revisions to the permit documents based on this comment.

4.4 Comment Summary

Comment was received stating that requests for additional monitoring under Part 2.2.4.10 should be based on sound, scientific evidence and require DEC to demonstrate how and why the additional monitoring is needed to protect water quality standards (WQS) and endangered or threatened species.

Response:

In accordance with 18 AAC 83.425, the Department may establish conditions, as required on a case-by-case basis, to assure compliance with any applicable requirement of state law and the Clean Water Act (CWA).

There were no revisions to the permit documents based on this comment.

4.5 Comment Summary

Comments were received stating that DEC does not have the authority under the APDES permitting program to require monitoring or treatment of catch transfer water returned to vessels.

Response:

The Department has determined that once catch transfer water is conveyed to the shore-based processing facility from a vessel during seafood offloading, it becomes part of the facility's process wastewater, per 18 AAC 83.990(54): "*Process wastewater* means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product." APDES permits are required for the discharge of pollutants from any point source into waters of the United States. A point source, as defined at 18 AAC 83.990(48), includes a "vessel or other floating craft from which pollutants are or may be discharged." Pollutants may be discharged to waters of the United States from the vessel to which the facility discharges the catch transfer water. The shore-based facility's discharge of catch transfer water to a vessel after offloading is a point source discharge of process wastewater that includes pollutants and falls under the jurisdiction of the APDES program.

A definition for "catch transfer water" was added to Appendix C, matching the "Discharges Covered" language in Part 1.2.1.1. The incorporated revisions are specified as follows (additions are underlined).

Part 1.2.1.1: Catch transfer water (delivering vessel fish hold waste and wastewater, ~~including catch transfer water,~~ live tank water, refrigerated seawater, or brine) conveyed to the onshore seafood facility.

Appendix C: Catch transfer water means waste or wastewaters conveyed to an onshore seafood processing facility from a vessel as part of the seafood offloading process. Includes fish hold waste and wastewater, live tank water, refrigerated seawater, and brine.

4.6 Comment Summary

Comments were received stating that the existing processing facilities do not currently have the capacity to treat all (or any) of the catch transfer water discharged to vessels after seafood offloading and that there would be significant expense and logistical challenge associated with achieving that capacity. One comment asserted that it is not clear what level, if any, treatment is necessary for catch transfer water (i.e., that establishing a treatment requirement before monitoring has been done is premature). Another comment asserted that treating the catch transfer water would be unduly expensive given the level of pollutants in that effluent, and that monitoring may not provide meaningful information.

Response:

DEC acknowledges the industry concern that currently-installed seafood waste treatment pumps often do not function as designed when large hydraulic loads (such as catch transfer flows) are forced through treatment pump systems. Part 2.6.1 and its subparts were edited to allow that permittees without the existing capability to treat catch transfer water as required prior to discharging to the vessel can discharge this effluent to the vessel untreated but must still monitor the effluent as required by Part 2.6.2.2 and must submit a Catch Transfer Water Treatment Practicability Report to the Department within two years of the permit effective date. The Department will use the submitted reports, along with screened and unscreened effluent data, to determine whether screening is the best practicable control technology available for treating catch transfer water. This determination will consider all applicable evaluation criteria, in accordance with CWA Section 304(b)(1)(B). The incorporated revisions are specified as follows (additions are underlined).

Part 2.6.1: The permittee shall ~~establish BMPs for screening~~ treat any water that has come in contact with seafood at the facility (including catch transfer water discharged to a vessel after seafood offloading) to meet established requirements of Part 2.2.5.2 ~~for all other discharge outfalls~~, including any discharges from the facility other than from the main seafood processing outfall ~~including fish hold waters sent back to vessels for discharge, where a facility is unable to send all discharge wastewaters through its seafood solids screening treatment system~~. The permittee shall send the resulting screened/sieved seafood processing waste solids to a by-product recovery facility or dispose of them by other Department-approved methods. ~~The BMPs shall include:~~

Part 2.6.1.1: ~~The use of a physical separation method to remove seafood waste solids prior to discharge to the vessels to meet established screening requirements of Part 2.2.5.2. This shall include screening live tank water, catch transfer water, and fish hold wastewaters, as these effluents often contain large solid pieces of seafood (e.g., small fish, fish heads, and internal organs) as well as other solids (e.g., fish scales). Sending the resulting screened/sieved seafood processing waste solids to a by-product recovery facility, or disposing of them by other Department-approved methods.~~ If a permittee does not have the existing capability to treat catch transfer water as required by Part 2.6.1 prior to discharging to the vessel, the permittee may discharge this effluent to the vessel untreated but must still monitor the effluent as required by Part 2.6.2.2 and must submit a Catch Transfer Water Treatment Practicability Report to the Department within two years of the permit effective date. The report must evaluate various control techniques available and include the total cost of implementing and operating the control techniques evaluated as well as any other factors the permittee deems appropriate for Department consideration (e.g., engineering aspects, process changes, non-water quality environmental

impacts).

Part 2.6.2.2: ~~For fish hold wastewaters~~ Permittees must monitor catch transfer water ~~returned~~ discharged to a vessel~~s for discharge, effluents must be monitored~~ per Table 8, at a location prior to discharge to the vessel(s).

Part 2.2.5.6: ~~Permittees accepting a vessel's refrigerated seawater, fish hold water, or wastewater, even if discharging back to the vessel,~~ Permittees are required to monitor catch transfer water conveyed to the onshore seafood processing facility ~~are required to monitor the discharge~~ per Part 2.6 if not already monitored per Part 2.3.

4.7 Comment Summary

Several comments questioned DEC's authority to hold permittees responsible for vessel operators' actions. Comments were also received requesting that DEC develop industry standard BMPs for permittees to provide vessels discharging effluents at the facility.

Response:

As discussed in the response to Comment 4.5, catch transfer water conveyed to a shore-based facility is considered part of that facility's process wastewater. The shore-based facility permittee can choose whether to discharge this catch transfer water back to a vessel after offloading. Permittees are also responsible for any other discharges that are made from vessels at the facility's dock(s) (whether catch transfer water or not). Discharges from a vessel operating in a capacity other than as a means of transportation, including when the vessel is secured to a seafood processing facility, are subject to regulation under the APDES permitting program (18 AAC 83.015(b)(1)(B)(ii)).

Part 2.6.1.1.1 – Part 2.6.1.1.3 were added to make clear that each shore-based permittee is responsible for ensuring that discharges at the facility, including from docked vessels, do not cause violations of the Alaska WQS. The BMPs necessary to ensure that WQS are met may be different for different facilities, therefore it is not appropriate for DEC to prescribe an "industry standard BMP" for docked vessel discharges.

Part 2.2.7.3 was removed, but the provision on providing educational materials to vessels regarding bilge water discharges was retained in Part 2.10.4.7.24.

The incorporated revisions are specified as follows (additions are underlined).

Part 2.6.1.1.1: The permittee must implement BMPs to minimize foam and scum produced by catch transfer water discharges, as required by Part 2.10.4.7.19.

Part 2.6.1.1.2: Catch transfer water discharges that cause a violation of the Alaska WQS are prohibited discharges (Part 1.4.1.8).

Part 2.6.1.1.3: The permittee must develop and implement mitigating BMPs if there are reoccurring sea surface residues violations at the facility (Part 2.2.5.5).

Part 2.2.7.3: ~~Permittees shall provide educational materials to vessels at the facility pertaining to minimizing the discharge of bilge water within the critical habitat area, unless it is for safety reasons, and using oil/water separators prior to discharge.~~

Part 2.7.1.6: The permittee shall record whether any ~~delivering fishing vessels' fish hold effluent~~ discharges are occurring from vessels at the facility during the sea surface observations.

4.8 Comment Summary

Comments were received stating that pursuant to the Vessel Incidental Discharge Act of 2018 (VIDA), the discharge of catch transfer water by a fishing vessel to waters of the United States is exempt from federal and state permitting under the CWA. Other comments expressed confusion about why the Fact Sheet referenced permit conditions from EPA's Vessel General Permit (VGP) (2013).

Response:

As discussed in the response to Comment 4.5, catch transfer water conveyed to a shore-based facility is considered part of that facility's process wastewater. Additionally, per the response to Comment 4.7, discharges from a vessel operating in a capacity other than as a means of transportation, including when the vessel is secured to a seafood processing facility, are subject to regulation under the APDES permitting program (18 AAC 83.015(b)(1)(B)(ii)). Thus, both catch transfer waters that have been conveyed to a shore-based facility and discharged back to a vessel, as well as any discharges made from vessels at the facility's docks (whether catch transfer water or not), are subject to regulation through an APDES permit. VIDA only exempts small vessels and fishing vessels from state permitting for discharges that are "incidental to the normal operation of a vessel." Discharges resulting from normal seafood processing operations are not included in the VIDA exemption.

The Department determined that the discussion of the VGP in the Fact Sheet Part 1.4.3 was not relevant to the AKG528000 permit, so that discussion was removed.

4.9 Comment Summary

Comments were received requesting clarity on whether the permit requirements relevant to vessels apply to all vessels or only to certain vessels (based on vessel size, vessel type, commodities delivered, etc.).

Response:

The permit does not differentiate requirements based on vessel characteristics. Permit requirements relevant to vessels apply to all vessels engaged in the activities discussed in the permit.

There were no revisions to the permit documents based on these comments.

4.10 Comment Summary

Comments were received stating that metering the flow of catch transfer water discharged to vessels and the flow of non-process wastewaters is unnecessary and logistically challenging because the flows are often minimal and intermittent.

Response:

As discussed in the Fact Sheet Part 3.3.1, the flow volume from each outfall is required to accurately model the environmental impacts, and this information is also required to ascertain treatment practicability. However, the Department determined that estimating flow is sufficient for outfalls with intermittent flow. Table 8 (Other Outfall(s) Monitoring and Reporting Requirements) now includes the following allowance as Footnote e: "Catch transfer water flow discharged to vessels after offloading, and other flows that are intermittent, may be estimated instead of metered." Part 2.2.1, Flow Meter and Totalizer Installation, was also edited to reflect this allowance. The incorporated revisions are specified as follows (additions are underlined).

Part 2.2.1.1: New Facilities/Outfalls. Installation and maintenance of effluent flow meters and totalizers are required at new facilities and for new outfall installations (except for those flows excluded under Table 8 – Footnote e).
Part 2.2.1.2: Existing Facilities. Existing permittees' main seafood processing discharge outfall must have a flow meter and totalizer installed as of the effective date of the permit. For all other existing outfalls (except for those flows excluded under Table 8 – Footnote e), permittees must install and maintain effluent flow meter(s) and totalizer(s) within 24 months of the effective date of this permit, or sooner if modifications or installations of waste treatment systems occur.

4.11 Comment Summary

Comments were received suggesting that the current permit limits should be stayed until mixing zone applications are processed, as otherwise permittees are at risk of being in violation of the permit immediately upon the effective date.

Response:

The current (effective 1998) permit clearly states in Part 3.8 that "all discharges shall be in compliance with Alaska State Water Quality Standards." There are no water-quality based effluent limits (WQBELs) in the draft permit that are more stringent. Therefore, permittees will be no more at risk of being out of compliance with the WQBELs upon the permit reissuance than they are currently. There are technology-based ELGs in the draft permit that are more stringent than those in the 1998 permit, but technology-based ELGs are not eligible for mixing zones (as discussed in the Fact Sheet, Part 7.2.4).
There were no revisions to the permit documents based on these comments.

4.12 Comment Summary

Comment was received requesting that additional time be allowed for permittees to comply with the discharge temperature requirements for retort cooling water to allow time for facility modifications that will be needed to attain compliance.

Response:

The current (effective 1998) permit clearly states in Part 2.4 that non-process wastewaters, including non-contact cooling water, may be discharged without treatment to the receiving water "provided that the discharges are in compliance with Alaska State Water Quality Standards." The temperature limit in the draft permit is not more stringent than that. The Department will not edit the draft permit to provide a grace period for permittees to meet a standard that is in the permit currently in effect.

There were no revisions to the permit documents based on this comment.

4.13 Comment Summary

Comments were received noting that the surface water temperatures in the Kodiak area can be above 15 C (the WQS in the permit) and that the Department should consider establishing a site-specific criteria for temperature and reflecting that criteria in the permit, as receiving water monitoring showing temperature values above 15 C would leave permittees at risk of noncompliance.

Response:

The permit only establishes a temperature limit for effluent, not a limit applicable to receiving water samples. The receiving water monitoring data collected under the permit will be used not to ascertain a permittee's compliance with permit conditions but rather to evaluate receiving water quality and the correlation between pollutants being discharged and the receiving water conditions, as discussed in the Fact Sheet Part 4.6. An applicant seeking a site-specific criterion under 18 AAC 70.235 would need to provide all of the information that the Department determined necessary to modify an existing criterion. The determination on modifying a criterion would be made by DEC's Water Quality Standards, Assessment, and Restoration (WQSAR) group.

There were no revisions to the permit documents based on these comments.

4.14 Comment Summary

Comment was received requesting clarification on the meaning of "new discharge" in regards to the stipulation in Part 2.2.7.5 that new discharges proposed to designated critical habitat area will be public noticed.

Response:

The applicable permit language (now Part 2.2.7.4) was edited to clarify that "a new outfall proposed to discharge in designated critical habitat area" will be public noticed. This aligns with the intent (reflected in the conditions in Part 2.2.3) that new outfalls be evaluated for location appropriateness in light of their potential habitat impacts. The incorporated revisions are specified as follows (additions are underlined).

Part 2.2.7.4: A new ~~discharge~~ <u>outfall</u> proposed to <u>discharge in</u> ~~a~~ designated critical habitat area will be public noticed in accordance with 18 AAC 83.120 requirements.

4.15 Comment Summary

Comment was received requesting that the "nuisance discharge" definition in Appendix C be made consistent with the description in Part 2.2.9. The comment also questioned how the Department will objectively use the Part 2.2.9 criteria to determine that a discharge is a nuisance.

Response:

While the "nuisance discharge" definition in Appendix C and the nuisance condition description in Part 2.2.9 are not identical, they are not inconsistent. The guiding language in 18 AAC 70.020(20) does not provide additional clarity on deciding what constitutes a nuisance or an objectionable condition beyond the criteria already listed in the permit.

There were no revisions to the permit documents based on these comments.

5 Conventional or Mechanized Processing, Part 2.3

5.1 Comment Summary

Comment was received that the commenter would prefer that instead of tracking each commodity line's raw product processed daily, permittees be allowed to use monthly production data to calculate daily production averages. Commenter questioned the value added from tracking product processed daily.

Response:

The ELGs in the permit (Table 3) include daily maximum values. The units for these ELGs are pounds of pollutant per 1,000 pounds raw product processed (lbs / 1,000 lbs). As described in Appendix D, calculating the facility's compliance with the ELGs requires the amount of raw product processed (total and for each commodity line) on each specific sampling date.

There were no revisions to the permit documents based on this comment.

5.2 Comment Summary

Comments were received stating that the requirement for permittees to include all species processed during a calendar month in at least one of the month's sampling events under Table 4 would be too onerous, as some species may only be processed for a few hours in a month and the facility does not necessarily know when such species will be received (for sampling and analysis planning).

Response:

Part 2.3.6.2 was edited as suggested, to reflect that every commodity line processed "for at least 24 hours during the calendar month" must be represented in at least one of the month's sampling events under Table 4.

5.3 Comment Summary

Comment was received stating that the commenter does not currently have a way to segregate and measure waste production by species or processing method.

Response:

The permit does not require that seafood solids sent to by-product recovery be reported by species or processing method. Per Table 4, permittees must report the monthly total pounds of seafood solids sent to by-product recovery.

There were no revisions to the permit documents based on this comment.

5.4 Comment Summary

Comment was received stating that facilities may not process for a full 24 hours at a time during some weeks, as processing may be intermittent, so the 24-hour composite sampling required in Table 4 and Table 5 would be inappropriate in those cases.

Response:

The biochemical oxygen demand (BOD), total suspended solids (TSS), and Total Dissolved Solids sample type in Table 4, Table 5, and Table 7 was changed from "24-hr composite" to "composite." The applicable table footnote was edited to reflect that "The compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period." The composite sample definition was revised as follows (additions are underlined).

Appendix C: Composite samples shall consist of ~~at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24 hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24 hour period with each sample volume proportioned according to the flow volume.~~<u>at least one equal volume grab sample aliquot per every full three hours in the compositing period.</u> The sample aliquots shall be collected, stored and analyzed within applicable hold times in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

5.5 Comment Summary

Comment was received stating that in Table 3, the Department should retain the current permit's ELGs for Conventional/Hand Butchered Bottom Fish. The commenter asserted that the rationale in the Fact Sheet Part 3.5, supporting the decision to retain the Mechanized Bottom Fish subcategory ELGs from the current permit, applies to the Conventional/Hand Butchered Bottom Fish subcategory too.

Response:

The rationale provided in the Fact Sheet Part 3.5 supporting the decision to retain the Mechanized Bottom Fish subcategory ELGs from the current permit is specifically applicable to that ELG subcategory only, not to any other subcategories. DEC is continuing to apply EPA's 1998 determination that the ELGs for the Non-Alaskan Mechanized Bottom Fish Processing [40 CFR §408.222] subcategory are the most appropriate ELGs available for the Mechanized Bottom Fish processing at the Kodiak facilities. However, since the new source performance standard ELGs in that specific subcategory were based on reduced water use as well as the addition of dissolved air floatation treatment, instead of being based only on reduced in-plant water use (like all of the other subcategory new source performance standards in the permit), the Department determined that it would be inappropriate to apply that particular subcategory's new source performance standards in this permit and retained the previous limits.

There were no revisions to the permit documents based on these comments.

5.6 Comment Summary

Comment was received questioning why there are effluent limits for TSS, BOD, and oil and grease (O&G) included in the permit (Table 3 and Table 6) in addition to the required screening treatment. The comment also questioned why a mixing zone option is not provided for those parameters.

Response:

The effluent limits in Table 3 and Table 6 are federally-promulgated, technology-based ELGs that must be met through treatment prior to discharge (the ELGs may not be relaxed through providing mixing zones). Technology-based ELGs are performance standards, meaning that they are based on the performance of certain treatment and control technologies (e.g., screening). However, permittees are not required to specifically use those treatment and control technologies to meet the technology-based ELGs. Note that Part 2.2.5.2 requires that seafood processing waste and wastewater be treated "to 1.0 millimeter (mm) or less via screens or other equivalent technology capable of meeting the technology-based ELGs found in Part 2.3 (Table 3) and Part 2.5 (Table 6), as applicable." Permittees may use screens or other chosen method(s) to meet the technology-based ELGs, which are binding permit conditions.

There were no revisions to the permit documents based on these comments.

5.7 Comment Summary

A comment was received stating that the commenter's facility is not capable of weighing solids sent to the by-product recovery facility daily but that the by-product recovery facility provides each processing facility a monthly report of the total pounds of seafood solids that facility has sent in the month.

Response:

The Sample Frequency for seafood solids sent to by-product recovery in Table 4 was changed from "record daily" to "record monthly." The requirement to report only the monthly total (not daily totals) was unchanged. Seafood by-product recovery facilities are required to record the amount of seafood input received daily (Table 7). The Department determined that it is unnecessary for individual processing facilities sending their waste to a by-product facility to record their waste sent on a daily basis.

5.8 Comment Summary

Comment was received stating that the composite samples in Table 4 and Table 5 need to be taken over a single calendar day, and that will ensure that the effluent sampling results are temporally consistent with the daily mass of raw seafood processed and used in calculations to determine ELG compliance.

Response:

Nothing in 40 CFR Part 408 specifies that a daily maximum sample must be taken over a single calendar day. Appendix C defines a "sampling day" as "any consecutive 24-hour sampling period." Table 4 and Table 5 specify that the raw product processed must be tracked by commodity line and sampling day. As discussed in the response to Comment 5.4, Table 4 and Table 5 footnotes were clarified to specify that "the compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period." The permittee may choose the window of time to be included in a sampling day, whether it happens to be a single calendar day or not, as long as both the effluent monitoring and the total raw product processed tracking occur over the same consecutive 24-hour sampling period.

6 Other Outfall(s) Limits and Monitoring, Part 2.6

6.1 Comment Summary

Comment was received that monitoring for some discharges that would fall under Table 8 should be less frequent due to intermittent, low flows and low risk of pollution. Commenter also requested that these flows be estimated instead of metered.

Response:

A footnote was added to Table 8 specifying that the permittee may request in writing that parameter monitoring frequencies be reduced to quarterly after one year of monitoring and reporting if results indicate no detections above applicable water quality standards. Another footnote was added allowing that flows that are intermittent may be estimated instead of metered. The incorporated revisions are specified as follows (additions are underlined).

Table 8, Footnote e: Catch transfer water flow discharged to vessels after offloading, and other flows that are intermittent, may be estimated instead of metered.
Table 8, Footnote f: The permittee may request in writing that parameter monitoring frequencies be reduced to quarterly after one year of monitoring and reporting if results indicate no detections above applicable WQS. Monitoring reductions can only occur once written approval from the Department is received.

6.2 Comment Summary

Comment was submitted requesting clarification that the monitoring described in Part 2.6 is to be done post-screening.

Response:

Part 2.2.5.7 already states that “All permit required effluent monitoring, except as specified in Part 2.4, shall be performed after all commingling has occurred and after the last treatment unit but prior to discharge to waters of the U.S.”
There were no revisions to the permit documents based on this comment.

6.3 Comment Summary

Comments were submitted requesting that the sampling methodology required for catch transfer water discharged to vessels be less prescriptive since those flows are intermittent and can pose logistical challenges for sampling. General comments were also received that DEC should consider allowing permittees to propose alternate composite sampling methodologies for DEC approval.

Response:

Table 8 was edited to allow that if a flow required to be sampled under that table is intermittent, grab samples that are representative of the waste stream flow may be taken instead of composite samples (for BOD and TSS). Composite sampling remains required under Table 4, Table 5, and Table 7, with some clarifications to the compositing period (see Comment 5.4 and Comment 5.8). The incorporated revisions are specified as follows (additions are underlined).

Table 8, Footnote b: ~~Fish offloading involving catch transfer water is intermittent and not continuous. The sampling regiment for BOD_5 and TSS requires three individual grab samples taken and composited: one within 30 minutes after commencement of catch transfer water being sent to the vessel for discharge, one at the middle of the catch transfer water being sent to the vessel, and one within 30 minutes prior to ceasing sending the catch transfer water to the vessel. For monitoring effluents other than fish transfer water, sampling shall be 24-hour composite as defined in Appendix C.~~ If the flow from the outfall is intermittent, grab samples that are representative of the waste stream flow may be taken. Otherwise, composite samples shall be taken, in accordance with the definition in Appendix C**.**

7 Receiving Water Quality Monitoring, Part 2.7

7.1 Comment Summary

Comment was received stating that the "readily-visible" definition does not need to be included in the permit text, Part 2.7.1.1, since it is already included in Appendix C.

Response:

When a term has been determined to be significant, the definition may be included in both the body of the permit and Appendix C. The definition in Appendix C was edited to streamline and better align with the language in the permit text. The incorporated revisions are specified as follows (additions are underlined).

Appendix C: ~~The~~ Readily visible ~~receiving water and shoreline~~ area~~s are~~ is defined as the receiving water and shoreline area(s) that a shore-based ~~trained personnel~~ observer can see when standing at a location (on or off the permittee's parcel) where the field of view is unobstructed ~~the water area without being blocked~~ by buildings or ships. ~~The water's visible area~~ Visible areas may vary with weather (e.g., fog)~~,~~ and sea conditions (waves) ~~and where the observer is located (standing)~~. As a result, the extent of the readily visible ~~receiving water~~ area ~~will vary from day to day based on weather and sea conditions and~~ should be noted as part of each daily monitoring event. ~~Shoreline observations of where residues typically wash ashore may need to be made off the permittee's parcel.~~

7.2 Comment Summary

Comment was received stating that the requirement for permittees to record receiving water monitoring observations at various phases of the tide cycle during each calendar month (Part 2.7.1.4) is redundant because this will occur just by the nature of the tide cycles and daily monitoring.

Response:

Monitoring would not necessarily occur at the various phases of the tide cycle during the month without the requirement in place, as the permit does not specify that daily monitoring be conducted at a consistent time each day.

There were no revisions to the permit documents based on this comment.

7.3 Comment Summary

Several comments were received regarding the photograph log required in Part 2.7.1.5. Comments included that the photograph log is redundant to the already-required written daily notation (Part 2.7.1.3), photos taken should not require a digital date and time stamp because the cell phones that facility personnel use to take the photos do not have that capability and the date and time can just be written on the photograph log instead, the three-year maintenance of photos should apply only to the monthly photos submitted (not any other photos that may be taken), and the permit should clarify the number of representative photos required to be logged.

Response:

The photograph log serves to support the observations that are recorded during daily receiving water monitoring. The requirements in Part 2.7.1.3 and Part 2.7.1.5 are complementary, not redundant. The permit does not require that a smart phone be used to capture the required photos for logging. The permit requires that permittees capture and log at least one photo per month and also document any positive sea surface residues observed during the daily monitoring that month. Storing this number of photos is reasonably accomplished using readily-available technology.

There were no revisions to the permit documents based on these comments.

7.4 Comment Summary

Several comments were received regarding a zone of deposit (ZOD). Comments included that a standard one-acre ZOD should be included in the permit because other permits in effect allow for such ZODs, that providing a ZOD is a necessary margin of safety because screening does not guarantee that waste will not settle to a detectable deposit that could trigger remediation, and that if a standard ZOD is not included the permit should allow a grace period during which permittees may apply for one case-by-case if a detectable deposit is identified during the permit term despite the use of screening as required.

Response:

All of the permits identified by commenters as examples containing a ZOD allowance also allow the permittee to grind and discharge waste, in contrast to the screening requirement in this draft permit. No Alaskan seafood and aquaculture sector permits (neither General Permits nor Individual Permits) currently in effect require waste screening and also allow for a ZOD. There is no site-specific data available showing deposits resulting from the Kodiak facilities' discharges. To the contrary, a 2015 seafloor survey, one of the few available from a Kodiak processing facility, noted that wastewater discharged from the outfall "was observed to quickly rise toward the surface and did not appear to contain any significant particulate matter that might be expected to settle to the seafloor. No seafood waste was observed on the seafloor in the vicinity of the outfall terminus, diffuser ports, or anywhere else that the divers observed… no seafood waste has been observed on the seafloor during previous surveys and none was expected during these surveys." The Fact Sheet Part 4.3 was edited to include this information. The regulations at 18 AAC 70.210 note that "the Department will, in its discretion, issue or certify a permit that allows deposit of substances on the bottom of marine waters within limits set by the Department." Since there is no evidence that waste screened as required by the draft permit will result in a deposit (and in fact, there is evidence to the contrary), the Department will not allow for a standard or optional ZOD in the draft permit. Of note, the draft permit does not say that the identification of a ZOD would trigger remediation, as stated by commenters. Such an identification would only trigger the requirement that the permittee "develop and submit an evaluation of source control and remediation options for Department review." The Department could review that submitted information to evaluate authorizing a ZOD during the next reissuance. In deciding whether to allow a ZOD, the Department would need to consider "alternatives that would eliminate, or reduce, any adverse effects of the deposit" (18 AAC 70.210(b)(1)).

There were no revisions to the permit documents based on these comments.

7.5 Comment Summary

Comment was received stating that the requirement for permittees to provide documented evidence that seafloor survey services were requested greater than three months in advance of when the survey was due to be performed should be removed from the permit.

Response:

The permit only requires that the permittee document that services were requested three months in advance if the survey cannot be conducted within the October - December time frame. The Department acknowledges the dynamic nature of the fisheries. However, the required seafloor survey time frame remains stable each year. This should allow sufficient time for permittees to request surveying services in advance.

There were no revisions to the permit documents based on this comment.

7.6 Comment Summary

Several comments were received regarding receiving water quality monitoring. Comments questioned the value of the monitoring, stated that the monitoring should be required to occur just outside of a mixing zone, requested clarification on an appropriate monitoring location, requested information on reporting situations when unsafe conditions preclude monitoring, and requested a stipulation allowing receiving water monitoring to be suspended after the first monitoring events (year 2 and year 4).

Response:

The data collected under Part 2.7.3 or Part 2.7.4 is not intended to assess permit compliance, unless there is an approved mixing zone and facility-specific monitoring is included in an authorization to discharge (Part 2.7.3.9.2). Monitoring is required both in areas expected to be impacted by discharges (tidally downgradient from an outfall terminus) and in background locations not under the influence of a permittee's discharge in order for the Department to more fully understand the effects of the pollutants being discharged by analyzing effluent data and outfall configurations in comparison to the observed receiving water conditions (as discussed in the Fact Sheet Part 4.6). There are resources available to assist permittees in identifying appropriate monitoring locations. DEC recognizes that there are some days when it would not be safe for permittees to conduct receiving water quality monitoring. However, the monitoring under Part 2.7.3 is only required on two days per year, one during Pollock A season and one during salmon season. It is not unreasonable to expect permittees to find two days during the year that are safe for conducting the monitoring required. To address the last comment, Table 10 already specifies that the receiving water quality monitoring is required only in the 2nd and 4th years of permit coverage.

There were no revisions to the permit documents based on these comments.

7.7 Comment Summary

Comment was received requesting a provision that if DEC does not respond to a receiving water monitoring station location request within 90 days, the permittee may proceed with monitoring at the proposed location.

Response:

The 90-day timeframe is a sufficient length for reviewing a monitoring station location request, so the Department determined that no changes to the permit were necessary.

There were no revisions to the permit documents based on this comment.

7.8 Comment Summary

Comments were received requesting the option for permittees to conduct a receiving water quality monitoring program collectively instead of individually.

Response:

Part 2.7.4, "Option for Collective Receiving Water Quality Monitoring," was added to allow for collective receiving water quality monitoring, with prior DEC approval. The incorporated revisions are specified as follows (additions are underlined).

Part 2.7.4.1: A permittee may participate in collective receiving water quality monitoring under Part 2.7.4 in lieu of conducting the receiving water quality monitoring that would otherwise be required under Part 2.7.3.

Part 2.7.4.2: In order to participate in collective receiving water quality monitoring, a group of permittees shall:

Part 2.7.4.2.1: Develop a work plan for receiving water quality monitoring that achieves the objectives of the monitoring required under Part 2.7.3.

Part 2.7.4.2.2: Seek written approval of the receiving water quality monitoring work plan from DEC at least 90 days prior to commencing receiving water quality monitoring.

Part 2.7.4.2.3: Conduct monitoring and reporting in accordance with the work plan, if approved.

7.9 Comment Summary

Comments were received stating that the permit should include a standard 100-ft mixing zone.

Response:

A mixing zone was not authorized in the prior AKG528000 permit. There was no data submitted by the commenters or available to support a default mixing zone and comply with regulatory requirements. The Department has included the option for permittees to apply for a facility specific mixing zone and will determine whether to authorize new mixing zones using the evaluation process required by 18 AAC 70.240 regulations.

There were no revisions to the permit documents based on these comments.

8 Annual Report, Part 2.8

8.1 Comment Summary

Comment was received requesting that Part 2.8.3.2.8 and Attachment D-3 (Annual Report Form) be amended to remove reporting losses of ammonia and ozone-depleting substances because the loss of these substances may be to the atmosphere and not to the receiving water. Comment was also received requesting that Part 2.8.3.4 be removed from the permit, as the chemical use reporting required is redundant to various other stipulations throughout the permit.

Response:

To address the first comment, both the permit and the Annual Report Form already specify that the permittee must submit a summary of only "any occurrences of leaks or breaks in the refrigeration/freezer systems that led to discharges to receiving waters." To address the second comment, if a permittee follows the various permit provisions referenced in the comment (regarding disinfectant and food processing additive use and disposal BMPs), there will be no need for reporting anything under Part 2.8.3.4 (regarding reporting any chemicals, biocides, disinfectants, cleaners, and food processing additives not used per the manufacturer's recommended use and application rates). There are no redundant reporting requirements.

There were no revisions to the permit documents based on these comments.

9 Quality Assurance Project Plan, Part 2.9

9.1 Comment Summary

Several comments were received regarding the QAPP. Comments questioned the complexity and the requirement that the QAPP help explain data anomalies, questioned the requirement for the QAPP to include sample container type and number information, and requested clarification about whether a single or multiple QAPP documents are expected from each permittee.

Response:

The requirements referenced in the comments are standard QAPP provisions included in APDES permits. A permittee may create either a single QAPP document that includes all items under Part 2.9 or multiple QAPP documents for different monitoring activities.

There were no revisions to the permit documents based on these comments.

9.2 Comment Summary

Comment was received requesting that Part 2.9.11.3 (regarding the Seafloor Survey QAPP) be modified to reflect the uncertainty inherent in measuring seafood waste thickness on the seafloor.

Response:

Since all measurement is inherently uncertain, the Department determined that no changes to the permit were necessary.

There were no revisions to the permit documents based on this comment.

10 Best Management Practices Plan, Part 2.10

10.1 Comment Summary

Comments were received stating that the BMP Plan requirements are too complex, that any requirements for a BMP Plan should simply defer to the 1993 EPA guidance manual, that the permit should specify that establishing BMPs is required only when it is safe and appropriate to do so, and that good housekeeping practices should not be required to be incorporated (even by reference).

Response:

The CWA sections 402(a)(1) and (2) give the permitting authority the ability to include BMPs in permits on a case-by-case basis to carry out the provisions of the act. This is codified in the federal regulations at 40 CFR §122.44(k) and in 18 AAC 83.475. Where practices are deemed necessary to carry out the purposes and intent of the CWA, the permit writer may develop BMPs to implement those practices. Nothing in the permit requires the permittee to adopt unsafe practices. Incorporating already-written facility procedures into the BMP Plan by reference does not add unnecessary complexity to the BMP Plan, it provides an interested reader a link to that information if needed.

There were no revisions to the permit documents based on these comments.

10.2 Comment Summary

Comments were received stating that only facility processes should be evaluated for pollutant minimization (not each facility component or system), requesting clarification on what would be technologically feasible and economically achievable options for waste and wastewater treatment beyond the current 1 mm screening employed, and requesting clarification about the requirement to examine normal operations and consider ways to reduce pollutant loading passing through screening.

Response:

Nothing in Part 2.10.4.5.3 or elsewhere in Part 2.10 requires the permittee to examine each piece of equipment for pollutant minimization opportunities and keep records of those evaluations, as the commenter interpreted. It is incumbent upon each facility to evaluate waste and wastewater treatment options under Part 2.10.4.5.3.2. However, for informational purposes, there are alternate wastewater treatment system options discussed in Fact Sheet Part 3.5.2. Under Part 2.10.4.5.3.4.2, the permittee is directed to examine operations, to include considering ways to reduce pollution that may be passing through the screening. Examining operations does not require the permittee to physically examine wastewater after screening, as interpreted by the commenter.

There were no revisions to the permit documents based on these comments.

10.3 Comment Summary

Comment was received stating that it is unnecessary to have specific management practices to reduce or eliminate discharge of wastes that have the potential to collect and foul set or drift nets used in subsistence or commercial fisheries in nearby traditional use areas because, due to the nature of the waste discharged, the waste will not foul nets.

Response:

Over the previous permit term, DEC has received numerous complaints from concerned community members describing wastes from the processing plants fouling the surface of the surrounding waters and floating to accumulate on surrounding shorelines, boats, float planes, etc. Part 2.10.4.7.4 is necessary to ensure that processors are cognizant of and responsive to such problems.

There were no revisions to the permit documents based on this comment.

10.4 Comment Summary

Comment was received stating that Part 2.10.4.7.9 should not refer to wastewater treatment plans for chemical products used within the facility, as the permit does not require specific treatment for those covered discharges. Comment was also received that Part 2.10.4.7.15, regarding selection of chemicals used for cleaning and sanitizing, was too nebulous.

Response:

Part 2.10.4.7.9 was edited to reflect the permittee's responsibility to ensure that chemical products used at the facility do not cause exceedances of the WQS. Part 2.10.4.7.15 is purposely not prescriptive because different cleaning products may be appropriate for different facilities and situations. The incorporated revisions are specified as follows (additions are underlined).

Part 2.10.4.7.9: Minimization and ~~wastewater treatment~~ plans ~~for~~ to ensure that chlorine, other disinfectants, degreasers, defoaming agents, or other chemical products used at the facility will not cause exceedances of the WQS.

10.5 Comment Summary

Comment was received requesting clarification that Part 2.10.4.7.10 requires that permittees examine facility operations and systems both for potential sources of pollution and for ways to reduce pollutants.

Response:

The commenter's broad interpretation of the permit provision is correct. Specifically, this provision refers to minimizing the potential for release of pollution due to the failure or improper operation of equipment.

There were no revisions to the permit documents based on this comment.

10.6 Comment Summary

Several comments were received regarding the BMPs required for purging ammonia or other chemical-based refrigerant and freezer systems. Comments included that ammonia purging BMPs should not be required if not discharged to waters and that permittees should not be required to minimize purged substances but rather should be able to dispose of as much purge water as required for maintenance.

Response:

It is important for permittees to include refrigeration system purging practices in their BMP Plans even if not discharged to waters to be sure that the expected disposal practices are clear, both to facility employees and to anyone else reviewing the BMP Plan. Historically in Kodiak, ammonia from processing plant refrigeration systems has been found to be discharged to the city sewer system and to St. Paul Harbor. Thus, it is essential that all facilities have clear procedures in place for the proper handling of these hazardous wastes. To address the second comment, in requiring that permittees have an approach to minimize and treat discharged refrigerants under Part 2.10.4.7.17.2, the expectation is that permittees will need to minimize the amount of ammoniated water purged at one time in order to ensure that the purged water does not cause the facility to exceed the pH limit that applies at the point of discharge to the receiving water. The purge water pH must be between 6.5 and 10.0 SU prior to commingling with processing water for discharge, but the commingled waste stream pH must be between 6.5 and 8.5 SU prior to discharge to the receiving water. Minimizing the amount of ammoniated water purged at one time may also be necessary to ensure that the purged water does not cause an excursion above the applicable ammonia WQS at the point of discharge.

There were no revisions to the permit documents based on these comments.

11 Attachments and Appendices

11.1 Comment Summary

Comment was received stating that the commenter does not have flow meters on individual processing lines so would need to estimate that information for the line drawing required in the NOI (Attachment A). The commenter also requested more clarity on what level of detail is expected in showing separate processing lines in the line drawing.

Response:

It is not required that the flows on the line drawing be measured by flow meters on individual processing lines. This information may be estimated. As noted in Part 1.6.2.3.1, "Similar processes, operations, or production areas may be identified as a single unit and labeled to correspond to a more detailed identification in a narrative report."

There were no revisions to the permit documents based on these comments.

11.2 Comment Summary

Comment was received asking what DEC expects to be submitted under "Section X: Proposed Commodity Line ELG Calculations" in the NOI (Attachment A), since the required methodology for conducting the calculations is detailed in Appendix D.

Response:

The following was added to the Attachment A NOI Instructions document under Section X: Proposed Commodity Line ELG Calculations – Submit sample calculations, based on the methodology in Appendix D, demonstrating the permittee's understanding of how to calculate facility-specific ELGs as required by Permit Part 2.3.5.

11.3 Comment Summary

Comment was received stating that it is unclear why the Appendix A – Standard Conditions cover page reads "September 2011."

Response:

As noted in the Fact Sheet Part 5.4, Permit Appendix A contains standard regulatory language that must be included in all APDES permits. The "September 2011" reflects the last time that document was updated.

11.4 Comment Summary

Comment was received requesting that the "trace coverage" definition in Appendix C be amended from "detectable to 9%" to "detectable to less than 10%" so that deposits estimated to cover between 9% and 10% of the area in a sample plot would not be left without a category.

Response:

The Appendix C and Appendix E "trace coverage" definitions were amended as requested. The Appendix E text was also clarified to refer to waste deposit coverages that are "greater than detectable" instead of "greater than zero," to match the language used in the permit text. The incorporated revisions are specified as follows (additions are underlined).

Appendix C and E: Trace coverage means areas of seafood waste that are estimated to cover detectable to less than 10~~9~~% areal coverage within a 3-foot by 3-foot sample plot.

Appendix E: The permittee is required to conduct a seafloor survey annually at discharge locations when seafood waste deposit coverage areas ~~of~~ greater than ~~zero~~ detectable are found. An evaluation of options for source control and remediation is required if the permittee's seafloor survey report documents seafood processing waste coverage ~~exceeding zero~~ greater than detectable, regardless of when the wastes were deposited.

11.5 Comment Summary

Several comments were received requesting clarification regarding the difference (or lack thereof) between the terms "type," "species," and "commodity."

Response:

A definition for "commodity (line)" was added to Appendix C as follows: May refer to: Crab meat, whole crab/crab sections, shrimp, salmon conventional/hand butchered, salmon mechanized processing, bottom fish conventional/hand butchered, bottom fish mechanized processing, scallops, herring – frozen whole, herring fillet processing, washed mince, washed paste, by-product recovery, or sea macroalgae. The permit, Fact Sheet, and Appendix D were edited throughout to use the term commodity (line) consistently in place of "type" or "species," as appropriate.

11.6 Comment Summary

Several comments were received regarding Appendix D. Comments requested that the text in the first paragraph refer the permittee to the relevant ELG tables in the permit, that the row separations be more clearly differentiated in the calculation tables, and that the wording in Step 2-5 be clarified.

Response:

The incorporated revisions are specified as follows (additions are underlined).

Appendix D, paragraph one: Several types of seafood processing activities and ~~species/~~commodity line-specific effluent limitations (Permit Table 3 and Table 6) are covered by the permit.
Appendix D, Step 2-5 Denominator: (Sampling days sum total raw product processed during the month, lbs)

11.7 Comment Summary

Comment was received stating that the requirement for seafloor surveys to reach a depth of 120+ feet (Appendix E) violates Occupational Safety and Health Administration (OSHA) limits for commercial diving, so the survey depth requirement should be adjusted to 100 feet.

Response:

There is no requirement that the seafloor surveying be conducted by a diver.
There were no revisions to the permit documents based on this comment.

11.8 Comment Summary

Comment was received stating that Appendix E's specific GPS positioning method required (Wide Area Augmentation System, or WAAS) is not necessarily the best technical alternative and is not suitable to support all survey types. Commenter requested that the required protocol allow that the WAAS method or other method that achieves the same or greater spatial accuracy be used.

Response:

The incorporated revisions are specified as follows (additions are underlined).

Appendix E, Part 1.0: Global Positioning System (GPS) coordinates derived using Wide Area Augmentation System (WAAS) technologies<u>, or another technology with equivalent or better position accuracy,</u> must be recorded for each underwater marker.

11.9 Comment Summary

Comment was received stating that the "Comparison of Various Survey Methods" section and table, included in Appendix E and Appendix G, could be misleading and contained little useful information.

Response:

The table was meant for permittee information only. Thus, it was removed from Appendix E and from Appendix G, as requested, and placed into the Fact Sheet Part 4.3.

12 Regulatory Update

During the public notice period (on September 30, 2019), EPA approved the state of Alaska's updated March 23, 2006 mixing zone regulations (18 AAC 70.240). References to the mixing zone statutes throughout the permit and Fact Sheet have been edited to correspond to the newly-approved statutes.

13 Additional Comments Received During the Ten-Day Applicant Review

During the ten-day applicant review for the proposed final permit documents, the Department received additional comments from three commenters: Perkins Coie LLP representing the Pacific Seafood Processors Association; Trident Seafoods Corporation; and Ocean Beauty Seafoods, LLC. Several comments received during the ten-day applicant review reiterated concerns and comments submitted during the Draft Permit public notice that did not initially result in the Department making changes to the Proposed Final Permit and Fact Sheet issued for ten-day applicant review. The Department slightly modified the Final Permit and Fact Sheet based on some of the comments that were in character with, and an outgrowth of, the original comments received during the Draft Public Notice of the Permit and Fact Sheet, as discussed below.

13.1 Comment Summary

Comment was received reiterating the commenter's position that some of the processing facilities in Kodiak would be more appropriately regulated by an individual permit instead of a general permit (also see Response to Comment 2.1).

Response:

As noted previously, the Department determined under 18 AAC 83.205 that the Kodiak processing facilities are more appropriately controlled under a general permit than under individual permits. Operators may request to be excluded from the coverage of the general permit by applying for an individual permit under 18 AAC 83.215(b) within 90 days after publication of the general permit (see Permit Part 1.9.6 – 1.9.7). However, the operator would still need to be covered under the reissued general permit while the request for an individual permit was being evaluated, or the facility would be left without coverage during that time period. Facilities' authorizations under the expired general permit will not continue in effect once the reissued general permit becomes effective.

There were no revisions to the permit documents based on this comment.

13.2 Comment Summary

Comment was received stating that processors are concerned there will be insufficient time between the permit issuance and effective date to complete tasks necessary before NOI submittal. The comment requested that DEC provide a timeline for the permit issuance and implementation (also see Response to Comment 2.2).

Response:

The Department determined that the permit effective date will be January 1, 2021. This will leave processors several months between permit issuance and effective date, including the November-December time period which industry has identified as a slow period when facility maintenance is typically performed.

The cover page of the final permit reflects the assigned January 1, 2021 effective date.

13.3 Comment Summary

Comments were received stating that catch transfer water is not a component of seafood processing wastewater and thus it should not be listed in Permit Part 1.2.1.1 as a sub-component of seafood processing wastewater (also see Response to Comment 3.2).

Response:

DEC has determined that catch transfer water is seafood processing wastewater. The APDES definition at 18 AAC 83.990(54) states that "process wastewater" is any water that comes into direct contact with or results from the production or use of any raw material during processing. Seafood that is offloaded from fishing vessels or tenders is "raw material," and the catch transfer water comes into "direct contact" with the seafood. While the term "processing" is not defined in 18 AAC 83, the process of separating the catch from the catch transfer water is clearly the first step in "processing" the seafood. It is the first time the processing plants participate in handling the fish, distinguishing the activity from the mere transportation of fish by the vessel. The "processing" and "processing water" definitions found in DEC's food safety regulations, at 18 AAC 34, are not relevant to APDES permitting because they specifically apply only in that food safety regulatory chapter. Additionally, in the Notice of Proposed Rulemaking for the 40 CFR Part 408 (seafood processing point source category) ELGs, the Federal Register noted: "Generally, waste water flows within the seafood processing industry originate at the receiving, preprocessing, evisceration, pre-cooking, picking and cleaning, preserving, canning, freezing, plant cleanup and by-product operations of the manufacturing process" (emphasis added). Therefore, the waste streams listed under Permit Part 1.2.1, catch transfer water (after being conveyed to the onshore processing facility) and cleaning agents, are appropriately listed as sub-components of seafood processing wastewater.

There were no revisions to the permit documents based on these comments.

13.4 Comment Summary

Comment was received requesting that the upset language in Response to Comment 3.5 (stating that discharge of wastewaters associated with spoiled seafood is not necessarily an upset condition unless that discharge causes exceedance of the permit's effluent limit(s)) be included in the permit, or that the Permit Part 1.4.1.1 prohibition on discharging spoiled seafood be removed altogether.

Response:

Part 2.7 of Appendix A – Standard Conditions, incorporated in the permit, already states that an upset condition is a noncompliance with a technology-based permit effluent limitation.

There were no revisions to the permit documents based on these comments.

13.5 Comment Summary

Multiple comments were again received regarding the requirement to complete an antidegradation analysis to apply for a mixing zone. Comments included that the Tier 2 analysis is triggered by a new or expanded "discharge" (not a parameter), that it is inappropriate to specify a priori that the antidegradation analysis required will be Tier 2, and that antidegradation analysis would not reflect the discharge from a specific processor due to the proximity of processors' outfall lines and local currents commingling the effluents (see also Response to Comment 3.6).

Response:

After thorough internal review of the regulations at 18 AAC 70.016, the Department has determined that a Tier 2 antidegradation analysis is required when a pollutant is assigned a numeric effluent limit for the first time because the definition of "new or expanded discharge" is based on changes in permit conditions that regulate the discharge, not changes to physical characteristics of the effluent stream. To reduce confusion, the Department slightly altered the permit language, as described below. To address the last comment, antidegradation analysis aims to identify how a permittee's discharge may impact a waterbody and to consider alternatives that would prevent or lessen the degradation associated with the discharge. The required analysis is an evaluation of the effluent, not of the receiving waters.

Part 1.6.2.7.1: To request a mixing zone, permittees must also submit Form 2G and include sufficient information for the Department to complete an antidegradation analysis and make findings under 18 AAC 70.016 (b), (c), and (d). The Tier 2 antidegradation analysis is required for parameter(s) determined by the Department to meet the definition of new or expanded~~, including all parameters regulated for the first time~~.

13.6 Comment Summary

Comment was received reiterating the request that permittees be allowed to estimate flow during periods when flow meters are not functional (also see Response to Comment 4.2).

Response:

The Department determined that the language in Part 1.6 of Appendix A – Standard Conditions sufficiently describes the expectations pertaining to a permittee's duty to operate and properly maintain equipment used in compliance with permit conditions.

There were no revisions to the permit documents based on this comment.

13.7 Comment Summary

Comment was received again asserting that DEC does not have the authority under the APDES permitting program to require processing facilities to monitor or treat catch transfer water returned to vessels (also see Response to Comment 4.5).

Response:

The CWA carries strict liability for discharging pollutants from a point source to waters of the United States (WOTUS). The seafood processors in Kodiak currently convey catch transfer water back to vessels after separating it from the catch, and the vessels then discharge that process wastewater to WOTUS. In this way, the processing plants indirectly discharge to WOTUS through an intermediary point source, a vessel. This discharge carries liability under the CWA. Discharging process wastewater (catch transfer water) through an intermediary point source instead of directly to WOTUS does not remove the processing facilities' CWA liability for the discharge. As specified in Permit Part 2.2.5.6, the processing plants must monitor catch transfer water upon discharge whether it is discharged through their main seafood processing outfall (under Permit Part 2.3) or discharged back to a vessel (under Permit Part 2.6).

There were no revisions to the permit documents based on this comment.

13.8 Comment Summary

Comment was received again asserting that discharge of catch transfer water is an "incidental discharge" from a fishing vessel, specifically exempt from CWA permitting under VIDA (also see Response to Comment 4.8).

Response:

VIDA does not exempt a fishing vessel's discharge of process wastewater from the APDES program, as VIDA only exempts fishing vessels from the APDES program for discharges that are "incidental to the normal operations of the fishing vessel." Separating catch from catch transfer water constitutes seafood processing, and any resulting discharge is process wastewater. When the fishing vessel accepts catch transfer water back from an onshore processing facility, it is being used as part of a seafood processing facility even if it does not actively participate in separating the catch from the catch transfer water. The catch transfer water does not return to its status as unprocessed fish hold effluent when it is returned to the fishing vessel. Therefore, the discharge of that process wastewater from a fishing vessel is not an incidental discharge under VIDA and not exempt from the APDES program. Furthermore, 18 AAC 83.990(29) defines a "facility or activity" as "any point source or any other facility or activity, including land or appurtenances, that is subject to regulation under the APDES program." Since the vessels are being used as part of the seafood processing facility, other discharges (besides catch transfer water) that occur from the vessels while at the processing facility may also be regulated under the processing facility's APDES permit (also see Response to Comment 4.7).

There were no revisions to the permit documents based on this comment.

13.9 Comment Summary

Comment was received requesting that DEC advise permittees on how to estimate intermittent flows under Permit Table 8 (also see Response to Comment 4.10).

Response:

As noted by the commenter, catch transfer water intermittent flows are variable and depend on many factors (e.g., vessel tank size, load size delivered to the facility, and amount of water requested back by the vessel). The Department will leave the flow estimation method(s) to the permittee's judgment to allow for flexibility across different situations.

There were no revisions to the permit documents based on this comment.

13.10 Comment Summary

Comment was received raising concern that the need to re-engineer a facility to capture retort cooling water puts facilities with such discharges at a competitive disadvantage compared to the other Kodiak processing facilities (also see Response to Comment 4.12).

Response:

Plant modifications are not the only manner in which facilities may achieve compliance with the general permit. Another option is to seek a mixing zone (see Permit Part 2.2.5.7) for parameters, such as temperature, that do not meet the WQS prior to discharge.

There were no revisions to the permit documents based on this comment.

13.11 Comment Summary

Comment was received that instead of including a temperature effluent limit, the permit should simply state that the discharge shall be in compliance with Alaska WQS (also see Response to Comment 4.13).

Response:

Under 18 AAC 83.435(b), effluent limitations in a permit must control all parameters that the Department determines are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state WQS. The Department has determined that discharges covered by the general permit, which include cooling water, have the reasonable potential to cause or contribute to an excursion above the state WQS for temperature. Therefore, the permit includes an effluent limitation to control effluent temperature. The temperature effluent limit in the permit (15 C maximum) is a WQBEL based on the state WQS found in 18 AAC 70.020(b). A facility discharging effluent hotter than 15 C at the point of discharge would be non-compliant with the WQBEL but could apply for a mixing zone. If a facility were authorized a mixing zone for temperature, the 15 C effluent limit would be superseded by a modified effluent limit in the individual authorization to discharge (see Permit Part 2.2.5.7).

There were no revisions to the permit documents based on this comment.

13.12 Comment Summary

Comment was received again requesting that clarification be added to Permit Part 2.2.9.3 stating how the nuisance criteria will be objectively applied (also see Response to Comment 4.15).

Response:

Nuisance criteria are narrative, and there will always be a degree of subjectivity in how a narrative standard is applied.

There were no revisions to the permit documents based on this comment.

13.13 Comment Summary

Comment was received requesting that sampling under Permit Part 2.3.6.2 be triggered when a commodity line is processed for "at least 24 continuous hours during the calendar month" instead of "at least 24 hours during the calendar month" (also see Response to Comment 5.2).

Response:

Permit Part 2.3.6.2 was already modified, after the public comment period, to language that was specifically requested by this commenter. The Department has determined that incorporating this new suggested language is not appropriate. It would create a loophole where a permittee could process a commodity line for 23 hours per day for several days in a month but still never sample processing water from that commodity line, which would conflict with the permit's requirement that monitoring be representative of the facility's waste stream flow.

There were no revisions to the permit documents based on this comment.

13.14 Comment Summary

Comment was received stating that the composite sampling requirements are still too prescriptive and requesting that DEC remove sampling protocols from the general permit and state that sampling will be conducted in accordance with a DEC-approved QAPP (also see Response to Comment 5.4 and 5.8).

Response:

The Department does not approve QAPPs. Removing sampling protocols from the general permit altogether would remove the assurance that the sampling conducted by the permittees sufficiently monitored the covered waste streams, and it would eliminate transparency (moving sampling protocol requirements outside of the public permitting process). However, DEC will allow permittees to request permission for specific modifications to the general permit's prescribed sampling protocols. The composite sampling footnote in Permit Table 4, Table 5, and Table 7 was revised as follows (additions are underlined):

Table 4/5/7, footnote e/f/e: See Appendix C for a definition. The compositing period shall be for 24 hours or for the total amount of time on the sampling day during which there is flow from the outfall. The composite sample shall consist of at least one equal volume aliquot per every full three hours in the compositing period… <u>Deviations from this composite sampling protocol may be used if requested with the NOI and approved in writing in the facility's individual authorization to discharge.</u>

13.15 Comment Summary

Comment was received reiterating the viewpoint that the Department should retain the current permit's (existing source performance standard) ELGs for Conventional/Hand Butchered Bottom Fish. The commenter asserted that the data used by EPA in the 1970s to establish the Alaskan Bottom Fish ELGs (the basis of the Conventional/Hand Butchered Bottom Fish technology-based effluent limits applied in the general permit) are not representative of today's Alaskan bottom fish processing, in terms of both species processed and processing methods. The commenter argued that it is inappropriate to apply that ELG subcategory at all in the general permit and especially inappropriate to apply the new source performance standards from that subcategory because it "compounds the error" of applying that subcategory's ELGs in the first place (also see Response to Comment 5.5).

Response:

The applicability section of the Alaskan Bottom Fish processing subcategory, at 40 CFR §408.200, broadly reads "the provisions of this subpart are applicable to discharges resulting from the processing of bottom fish such as halibut in Alaska." Thus, the ELGs in that subcategory are applicable to processing all bottom fish, not only halibut, in Alaska. The Department has determined that the Alaskan Bottom Fish ELGs are appropriately applied in the general permit.

There were no revisions to the permit documents based on this comment.

13.16 Comment Summary

Comment was received requesting that Permit Table 4 allow processing facilities to estimate the pounds of seafood solids sent to by-product recovery, as the processors do not weigh this material but each facility receives a report from the by-product facility each month stating the total poundage of solids sent (also see Response to Comment 5.7).

Response:

The by-product facility is required to weigh the screened solids received from the other processing facilities (see Permit Part 2.5.1), as this is the "raw product" weight that the by-product facility must use to calculate compliance with that facility's effluent limits under Permit Table 6. However, it is redundant to require this material to be weighed twice, both upon leaving the processing facility and upon entering the by-product facility. Therefore, to relieve the processing facilities of the requirement to weigh screened solids leaving their facilities, the "seafood solids sent to by-product recovery" line in Permit Table 4 was deleted.

13.17 Comment Summary

Comment was received that the level of pollutants in discharges from fishing vessels at the processing facilities does not have a material impact on the waters into which they are discharged and therefore does not merit regulation (also see Response to Comment 6.1).

Response:

The EPA study cited by the commenter (EPA 833-R-10-005) includes the following finding: "The BOD levels in fish hold effluent and graywater are comparable to BOD concentrations in raw sewage. Fish hold effluent also has a relatively high discharge volume, so *this discharge can contribute a significant BOD/COD loading to receiving waters, particularly when multiple vessels discharge at the sample location (e.g., pierside at a fish processing facility).* Hence, depending upon receiving water characteristics, BOD and COD from fish hold effluent may significantly impact the local environment and contribute to water quality exceedances in receiving waters" (emphasis added). At the Kodiak processors' docks, there are multiple vessels discharging in a small area, so impact on receiving waters is a concern. However, the Department determined that during this permit term initial data collection period, it is sufficient for processors to sample catch transfer water discharges in the second and fourth years of the permit term. This will provide enough data points for the Department to evaluate catch transfer water pollutants' reasonable potential to cause or contribute to an excursion above the state WQS. A footnote was added to Permit Table 8 as follows (additions are underlined):

Table 8, footnote g: Catch transfer water monitoring under this table is only required to occur during the 2nd and 4th years of permit coverage. The catch transfer water monitored must be either from a salmon delivery or from a Pollock delivery, if one of those species is delivered during the month.

13.18 Comment Summary

Comment was received requesting that permittees be allowed to collect grab samples of intermittent discharges under Permit Table 4, Table 5, and Table 7 as allowed under Permit Table 8 (also see Response to Comment 6.3).

Response:

As the permit is currently written, if flow under Table 4, Table 5, or Table 7 is intermittent (the total amount of time on the sampling day during which there is flow from the outfall is three hours or less), the permittee is only required to take one sample during that 24-hour sampling period. Functionally, this is a grab sample.

There were no revisions to the permit documents based on this comment.

13.19 Comment Summary

Comment was received again requesting that DEC remove the requirement that monitoring photographs include a digital date and time stamp (also see Response to Comment 7.3).

Response:

The Department has determined that the date and time stamp is necessary in order to document that the photographs were taken as required under the permit.

There were no revisions to the permit documents based on this comment.

13.20 Comment Summary

Comment was received again asserting that since there is no guarantee that screening will ensure that waste is not deposited on the seafloor, the permit should include the ability for permittees to apply for a ZOD. Alternatively, if there is no option for a ZOD in this permit cycle, there should be language in the permit or fact sheet stating how DEC will use the study results from this permit term (also see Response to Comment 7.4).

Response:

The existence of a deposit on the seafloor does not automatically mean that the Department will authorize a ZOD. There is a determination process required by statute. According to 18 AAC 70.210, "The department will, in its discretion, issue or certify a permit that allows deposit of substances on the bottom of marine waters within limits set by the department." To date, DEC has not authorized a ZOD in any seafood sector permit that requires waste screening. In order to make the determination to authorize a ZOD, the Department must assess several factors listed in 18 AAC 70.210(b), including "alternatives that would eliminate, or reduce, any adverse effects of the deposit." The permit is set up so that if a permittee identifies a bottom deposition in a survey during the permit term, that permittee submits an evaluation of source control and remediation options for Department review. That information would be necessary for the Department to assess to evaluate authorizing a ZOD during the next reissuance. Fact Sheet Part 4.3 already explains the Department's intent for using the seafloor surveying data collected this permit term: "Therefore, the Department does not expect that there will be detectable deposits but is requiring permittees to perform a seafloor survey to investigate this assumption. If deposits are identified during the seafloor survey study required during this permit term, the Department will use that information to evaluate authorizing a zone of deposit under 18 AAC 70.210 during the next reissuance" and "Seafloor survey results from the studies this permit term will be used to gather data to determine whether additional limitations are needed to monitor effluent impact on receiving water quality and to inform future permit reissuance decisions (including the potential allowance of a zone of deposit under 18 AAC 70.210)."

There were no revisions to the permit documents based on this comment.

13.21 Comment Summary

Comment was received requesting clarification on whether or not the background station for receiving water quality monitoring should be at a location affected by nearby processors' discharge (also see Response to Comment 7.6).

Response:

The background station for receiving water quality monitoring should be at a location not affected by any processor's discharge. To make this clear, the Permit Part 2.7.3 was revised as follows (additions are underlined):

Part 2.7.3.7: For all other monitoring parameters, sampling shall be conducted at a representative location in the ambient receiving water not under the influence of ~~the~~ <u>any</u> permittee's discharge.
Part 2.7.3.7.1: A monitoring station(s) must be established by the permittee in the receiving water at a background station at a point representative of the quality of the receiving water, not influenced by ~~the~~ <u>any</u> facility's discharge, collected at mid-depth.

14 Informal Review Request

After final permit issuance, the Department received an informal review request under 18 AAC 15.185 from Perkins Coie LLP representing the Pacific Seafood Processors Association, a trade association representing North Pacific Seafoods, Inc., OBI Seafoods LLC, and Trident Seafoods Corporation.

One of the contested issues raised was the regulation of "other discharges" (besides catch transfer water) from vessels docked at the processing facilities. The review requester asked for clarity on the regulatory intent behind the Department's statement that "Permittees are also responsible for any other discharges that are made from vessels at the facility's docks (whether catch transfer water or not)" (Comment 4.7) because the vessels become part of the processing facility because they accept transfer water (Comment 13.8) and "any discharges made from vessels at the facility's docks (whether catch transfer water or not) are subject to regulation through an APDES permit" (Comment 4.8). Specifically, the requester asked that the Department clarify whether such discharges were subject to the provisions of the AKG528000 General Permit.

The Department clarified that other discharges are not covered under AKG528000. The Department does not comment on, nor predetermine, enforcement mechanisms through the Permitting process. Unauthorized discharges are evaluated on a case-by-case basis dependent upon the circumstances of the alleged violation. Compliance and enforcement will be carried out according to the conditions and requirements of issued and effective permits and applicable state and federal statutes and regulations.

There were no revisions to the permit documents based on this comment.